

Proposal # 2001- K200 (Office Use Only)

PSP Cover Sheet (Attach to the front of each proposal)

Proposal Title: Mill Creek Anadromous Fish Adaptive Management Enhancement Plan

Applicant Name: Orange Cove Irrigation District

Contact Name: James Chandler

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Amount of funding requested: \$ 1,504,210

Some entities charge different costs dependent on the source of the funds. If it is different for state or federal funds list below.

State cost _____

Federal cost _____

Cost share partners?

____ Yes ☒ NO

Identify partners and amount contributed by each _____

Indicate the Topic for which you are applying (check only one box).

- | | |
|--|---|
| <input type="checkbox"/> Natural Flow Regimes | <input type="checkbox"/> Beyond the Riparian Corridor |
| <input type="checkbox"/> Nonnative Invasive Species | <input type="checkbox"/> Local Watershed Stewardship |
| <input type="checkbox"/> Channel Dynamics/Sediment Transport | <input type="checkbox"/> Environmental Education |
| <input type="checkbox"/> Flood Management | <input type="checkbox"/> Special Status Species Surveys and Studies |
| <input type="checkbox"/> Shallow Water Tidal/ Marsh Habitat | <input checked="" type="checkbox"/> Fishery Monitoring, Assessment and Research |
| <input type="checkbox"/> Contaminants | <input type="checkbox"/> Fish Screens |

What county or counties is the project located in? Tehama County

What CALFED ecozone is the project located in? See attached list and indicate number. Be as specific as possible Butte Basin

Indicate the type of applicant (check only one box):

- | | |
|---|---|
| <input type="checkbox"/> State agency | <input type="checkbox"/> Federal agency |
| <input type="checkbox"/> Public/Non-profit joint venture | <input type="checkbox"/> Non-profit |
| <input checked="" type="checkbox"/> Local government/district | <input type="checkbox"/> Tribes |
| <input type="checkbox"/> University | <input type="checkbox"/> Private party |
| <input type="checkbox"/> Other: _____ | |

Indicate the primary species which the **proposal** addresses (check **all that apply**):

- | | |
|--|---|
| <input type="checkbox"/> San Joaquin and East-side Delta tributaries fall-run chinook salmon | <input checked="" type="checkbox"/> Spring-run chinook salmon |
| <input type="checkbox"/> Winter-run chinook salmon | <input checked="" type="checkbox"/> Fall-run chinook salmon |
| <input type="checkbox"/> Late-fall run chinook salmon | <input type="checkbox"/> Longfin smelt |
| <input type="checkbox"/> Delta smelt | <input type="checkbox"/> Steelhead trout |
| <input type="checkbox"/> Splittail | <input type="checkbox"/> Striped bass |
| <input type="checkbox"/> Green sturgeon | <input type="checkbox"/> All chinook species |
| <input type="checkbox"/> White Sturgeon | <input type="checkbox"/> All anadromous salmonids |
| <input type="checkbox"/> Waterfowl and Shorebirds | <input type="checkbox"/> American shad |
| <input type="checkbox"/> Migratory birds | |
| <input type="checkbox"/> Other listed T/E species: _____ | |

Indicate the type of project (check only one **box**):

- | | |
|---|---|
| <input checked="" type="checkbox"/> Research/Monitoring | <input type="checkbox"/> Watershed Planning |
| <input type="checkbox"/> Pilot/Demo Project | <input type="checkbox"/> Education |
| <input type="checkbox"/> Full-scale Implementation | |

Is this a next-phase of an ongoing project?	Yes _____	No <u>^</u>
Have you received funding from CALFED before?	Yes _____	No <u>X</u>

If yes, list project title and CALFED number _____

Have you received funding from CVPIA before?	Yes _____	No <u>X</u>
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If yes, list CVPIA program providing funding, project title and CVPIA number (if applicable):

By signing below, the applicant declares the following:

- The truthfulness of all representations in their proposal;
- The individual signing the form is entitled to submit the application on behalf of the applicant (if the applicant is an entity or organization); and
- The person submitting the application has read and understood the conflict of interest and confidentiality discussion in the PSP (Section 2.4) and waives any and all rights to privacy and confidentiality of the proposal on behalf of the applicant, to the extent as provided in the Section.

James C. Chandler, Orange Cove Irrigation District

Printed name of applicant


Signature of applicant

B. EXECUTIVE SUMMARY

Proposal Title: **Mill Creek Anadromous Fish Adaptive Management Enhancement Plan**

Amount of funding requested: **\$1,504,210**

Applicant Name: **Orange Cove Irrigation District, P.O. Box 308, Orange Cove, CA 93646**

Contact Name: **James Chandler**

Telephone: **(559) 626-4461, FAX. (559) 626-4463, E-mail: ocid@psnw.com**

Participants: **James Chandler, Harvey Williams, Robert Ramirez and William Bergmann**

The Orange Cove Irrigation District (OCID) is cooperating with the Los Molinos Mutual Water Company (LMMWC) to do a fisheries enhancement project on Mill Creek. The Project, which will improve fish passage in Mill Creek below Ward Dam, is needed for migrating juvenile and adult salmon during late spring and early summer months when low flows may cause in-stream barriers. Improved passage is also needed for migration of fall-run chinook adult salmon in the fall when low flows may cause in-stream barriers. A key to enhancing the salmon migration in Mill Creek involves securing additional in-stream flows between Ward Dam and the Sacramento River in below average and dry water years. OCID will exercise options to acquire water to improve fish passage in lower Mill Creek. The proposal will incorporate integrated hydrologic and biological monitoring, evaluation and assessment in order to ascertain what in-stream flows and duration of flows are most efficient to facilitate **salmon** passage.

The Project is located in the LMMWC service area of Tehama County, California. It is bounded on the north by Antelope Creek, on the east by the Chico Monocline of the foothills of the Sierra Nevada, on the south by Deer Creek and on the west by the Sacramento River. The area is located in the Butte Basin Ecological Management Zone

The Proposal is envisioned as an Adaptive Management Plan to restore and enhance the salmon fishery on Mill Creek and to provide water for other environmental purposes.

The object of the project is to ensure that upstream migrating spring-run adult chinook salmon, downstream migrating spring-run juvenile salmon and fall-run adult chinook salmon can migrate safely through the lower portion of Mill Creek. This will achieve CALFED's Goal 1 "At-Risk Species" and CVPIA goals.

Benefits from implementation of base target flows will be assessed and determined through the adaptive management approach. It is the intent of adaptive management to maximize benefits whenever possible and to initiate a program on Mill Creek that addresses existing biological uncertainty.

The proposal will address the principal hypothesis that supplemental in-stream flows in lower Mill Creek will generate suitable environmental cues and hydrologic conditions for adult spring-run chinook fish passage.

It is expected that the enhanced Mill Creek in-stream flows will ensure safe fish passage, as defined above, through the lower portion of Mill Creek in below average and dry water years. The Project will also define the scientific uncertainties of the Mill Creek natural flow regime to develop a long-term solution to the fish passage problem.

The proposal meets the CALFED Ecosystem Restoration Program, Strategic Plan for Ecosystem Restoration (CALFED 1999) goal for acquisition of water from willing sellers for fish passage purposes. Further, the proposal is synergistic with the following CALFED programs: Scientific Uncertainties; Natural Flow Regimes (Fishery Monitoring Assessment and Research and Flow Evaluation), Comprehensive Monitoring Assessment Research Program (CMARP); and Adaptive Management.

C. PROJECT DESCRIPTION

1. Statement of the Problem

a. Problem

Mill Creek in Tehama County, California is a significant chinook salmon spawning habitat that is tributary to the upper Sacramento River. The stream originates on the southern slopes of Lassen Peak at an approximate elevation of 8,000 feet. It flows to its confluence with the Sacramento River at an approximate elevation of 200 feet, adjacent to the unincorporated community of Los Molinos. The watershed drains approximately 134 square miles through a stream length of about 60 miles. The stream has several unique features that include its course through steep-sided canyons. These make Mill Creek relatively inaccessible in the upper watershed and provide some of the highest elevation spawning habitat for chinook salmon known in North America. Mill Creek is one of the few Sacramento River tributaries that support both wild spring-run chinook salmon and fall-run chinook salmon. Habitat in upper Mill Creek is considered excellent for spring-run holding, spawning and early life stage development.

As in much of California, farming became prominent in the Los Molinos area in the late 1800s. Early water use was generally adjacent to the stream but soon expanded to a much broader area through construction of diversion structures and water channels. As the area grew, conflicts occurred between the area's water use interests. Competition for Mill Creek water resulted in litigation and, eventually, adjudication by The Superior Court of Tehama County Decree (Decree) dated August 16, 1920. The Mill Creek water is apportioned today in accordance with that Decree with Los Molinos Mutual Water Company (LMMWC) serving as the Watermaster.

Three small diversion structures were built on lower Mill Creek to divert agricultural water. Upper Dam, Clough Dam and Ward Dam are located approximately 5, 4.5 and 2.5 river miles respectively from the confluence of the Sacramento River. Upper Dam diverts agricultural water to the north. Clough and Ward Dams divert agricultural water to the south.

Adequate fish screens and fish ladders have been in place for many years at each diversion structure and are operated and maintained by the California Department of Fish and Game (CDFG). Upper Dam and Ward Dam each have a sloping downstream face over which salmon can swim when water is topping the dam's crest. Clough Dam was damaged and rendered obsolete by flood flows from recent storms. Temporary repairs have been made to the diversion structure and it is scheduled for removal under a CALFED program that is not part of this plan. A temporary diversion continues. Clough Dam will be replaced with an outlet structure from LMMWC's Main Canal north of the creek with the diverted water to be siphoned under the creek. LMMWC operates the Dams. There are no flood control or storage dams on this stream, thus eliminating the opportunity for seasonal releases from storage to aid in salmon migration, flushing or temperature control.

The Decree appropriated entitlements to all flows below 203 cubic feet per second (cfs) to serve approximately 8,500 acres of agricultural lands based upon their riparian and appropriated water rights at the time. Under the Decree, there is no specified location from where the water right may be diverted along Mill Creek. The water rights under the Decree are correlative. To the extent adjudicated rights are not utilized by one party to the adjudication, those waters are available, to the extent of their reasonable and beneficial use, to other parties to the adjudication, including LMMWC, up to the limits of their allocation. The water right is considered real property and is not pertinent to the water right holder's land. With the system fully operable, in accordance with the Decree, approximately two miles of Mill Creek, downstream of Ward Dam,

is left without assured transport flows when the natural stream flow become minimal during below average and dry water years.

Improved fish passage in Mill Creek below Ward Dam is needed for migrating juvenile and adult salmon during late spring and early summer months when low flows may cause in-stream barriers. Improved passage is also needed for migration of fall-run chinook adult salmon in the fall when low flows may cause in-stream barriers. A key to enhancing the salmon migration in Mill Creek involves securing additional in-stream flows between Ward Dam and the Sacramento River in below average and dry water years. Orange Cove Inigation District (OCID) will acquire water to improve fish passage in lower Mill Creek. However, the water acquisition action must incorporate monitoring, evaluation and assessment to obtain a long-term solution to the fish passage problem.

b. Conceptual Model

The Proposal is envisioned as an Adaptive Management Plan to restore and enhance the salmon fishery on Mill Creek and to provide water for other environmental purposes. Guiding the Project's development were recommendations contained in the Anadromous Fish Restoration Program (AFRP) and CALFED. The Project achieves the AFRP objectives for action to improve transportation flow. These flows will ensure that upstream migrating spring-run adult chinook salmon, downstream migrating spring-run juvenile salmon and fall-run adult chinook salmon can migrate safely through the lower portion of Mill Creek. This will achieve CALFED's Goal 1 "At-Risk Species". (See Figure 1.) The U.S. Bureau of Reclamation (USBR) and U.S. Fish and Wildlife Service (USFWS) have been very supportive of the concept used to develop the project.

Water Acquisition is accomplished through OCID's acquisition of 7.5 percent of the adjudicated Mill Creek flow. The acquisition will establish a block of water that can be managed in an adaptive management strategy in partnership with LMMWC

A Conservancy Fund was identified by the local community as a highly desirable component to facilitate fish passage. The Conservancy Fund will be used for fish passage needs identified for Mill Creek, as well as for education. The goal is to create sufficient money in the Conservancy Fund to allow self-perpetuation, to the extent possible, for appropriate fishery management at the local level.

Monitoring and Research are essential elements of the adaptive management concept. CDFG does a certain amount of monitoring on Mill Creek. However, that level of monitoring may or may not be sufficient to determine responses occurring as a result of Program actions. The water acquisition action must incorporate site-specific monitoring evaluation and assessment to meet CALFED objectives.

Project Management, Operation and Reports are essential elements of the Project. LMMWC, as Watermaster for Mill Creek, would continue to manage water diversions in accordance with the Decree except as modified by this Project, the LMMWC-CDFG Mill Creek Water Right Lease and LMMWC-CDFG-California Department of Water Resources (CDWR) Water Exchange programs. CDFG would determine the most appropriate timing for pulse releases. OCID, in cooperation with CDFG and LMMWC, would prepare annual reports summarizing the trials and results of the adaptive strategies tested.

Long-term Fish Passage Restoration Studies are essential to determine the most cost-effective means to provide adequate fish passage water in Mill Creek and the worst hydrologic condition under which fish needs can be met. As a minimum, OCID has agreed to find replacement water

for LMMWC for the water it is selling to the Project. The replacement water, as well as additional fish passage supplies, will most likely be made up through conservation practices, a conjunctive use program or some combination thereof. The studies will adequately address local groundwater concerns.

c. Hypotheses being tested

The proposal will address the principal hypothesis that supplemental in-stream flows in lower Mill Creek will generate suitable environmental cues and hydrologic conditions for adult spring-run chinook fish passage. The proposal will incorporate integrated hydrologic and biological monitoring in order to ascertain what in-stream flows and duration of flows are most efficient to facilitate **salmon** passage.

d. Adaptive Management

OCID proposes that the environmental water purchased be utilized in an adaptive management plan with the following goals:

- Manage the dedicated in-stream flow to provide enhanced fish passage conditions for juvenile and adult spring-run and fall-run chinook salmon. (CDFG will advise LMMWC on preferred flows downstream of Ward Dam during salmon migration periods.)
- Analyze water use strategies of a dedicated in-stream water supply to maximize migration success of juvenile and adult spring-run and fall-run chinook salmon and efficient use of a limited water supply.
- Monitor, collect and analyze hydrologic and biological data to manage fish flows and improve fishery flow strategies on Mill Creek in conjunction with current CDFG monitoring programs.
- Identify biological triggers required for adaptive management.
- Identify future water supply needs and water sources to expand this program.

Benefits from implementation of base target flows will be assessed and determined through the adaptive management approach. It is the intent of adaptive management to maximize benefits whenever possible and to initiate a program on Mill Creek that addresses existing biological uncertainty. It is recognized that benefits generated from this plan are limited to available water supplies, as well as tradeoffs of benefits for juvenile, adult spring-run and fall-run chinook salmon and their respective life stages.

e. Educational Objectives

OCID and LMMWC will work closely with the Mill Creek Conservancy (MCC) to supplement that organization's education program. Presentations will also be made to governmental agencies, water organizations, environmental organizations and other interested groups as requested. **OCID** will also publish a semi-annual newsletter on the Project's progress.

2. Proposed scope of Work

a. Location and/or Geographic Boundaries of the Project

The Project is located in the LMMWC service area of Tehama County, California. It is bounded on the north by Antelope Creek, on the east by the Chico Monocline of the foothills of the Sierra Nevada, on the south by Deer Creek and on the west by the Sacramento River. The area is located in the Butte Basin Ecological Management Zone. The Project area is shown on USGS 7.5' Quadrangle "Los Molinos" at Latitude 40 degrees, 3 minutes North and Longitude 122 degrees, 4 minutes West.

b. Approach

Under Phase I of the Project, environmental water will be supplied from the Mill Creek water right entitlements purchased by OCID, amounting to a total of 7.5% of the Mill Creek Water Right Decree. Environmental water will come from the annual face value of the water right under the Decree, water previously diverted or available for diversion for irrigation purposes under the *correlative* provision of the Decree. Irrigation needs resulting from this action will be met through on-site groundwater pumping.

The acquired water will be dedicated to in-stream use in Mill Creek for salmon runs from October 16th through June. The fish run periods identified by CDFG and AFRP documents are included in this period. The water right purchased in the July through October 15th period will be available to LMMWC in exchange for pulse flow water to meet existing irrigation demands and to provide a more reliable water supply in dry years. LMMWC would not change its irrigation patterns. Nor would any additional acreage be irrigated.

These dedicated water rights will be secured and held by LMMWC in perpetual trust for OCID's restoration program. Upon acquisition of the water rights, OCID will apply to the California State Water Resources Control Board in the name of LMMWC as Trustee for authority under Water Code Section 1707 allowing for a right of usage of its right within Mill Creek for environmental enhancement purposes. OCID will also seek an amendment of the Decree, if necessary, as part of the proceedings under Section 1707.

Mill Creek hydrologic records for the period 1928-1997 indicate that an April through June target base in-stream flow of 50 cfs, for the reach below Ward Dam, would be achievable with implementation of this Project. Also, the records for the period indicate that an October 16th through November 15th target base in-stream flow of 25 cfs, for the reach below Ward Dam, would also be achievable with implementation of this Project. The increased in-stream flows would be very beneficial for fish passage in below average and dry water years.

These in-stream target flows are proposed as starting points to begin the process of adaptive management until such time as the actual flows required for unimpaired passage can be determined. The current CDWR, CDFG and LMMWC Fisheries Restoration Project and existing water right lease agreements would remain in effect. The current operation would continue as it now exists under these agreements, but with significantly increased certainty.

An environmental supply of water for fish-run pulse flows and enhancing in-stream flows in dry years would be developed under a water exchange agreement between OCID and LMMWC. As proposed, fish pulse flows would be requested by CDFG personnel and generally scheduled by LMMWC for a three-day period. LMMWC would make arrangements with its water users to reschedule their crop irrigations in order to reduce or eliminate the diversion of flow from Mill Creek during this period. In return, users would receive additional surface water during the

summer months to meet peak demands. This reduced or suspended diversion of up to approximately 150 cfs from Mill Creek would leave most or all of the natural flow in Mill Creek to trigger fish migration below Ward Dam. The water supply for this operation will be developed through use of OCID's purchased water rights during the period in which there are no salmon runs from July to mid-October, and/or groundwater from the current groundwater exchange program. The yield would be exchanged with LMMWC for its water right entitlement that may be contributed for in-stream pulse flows and enhancing in-stream flows during the fish-run migration period. The program will formalize the fish-run pulse flows concept.

The average annual face value yield of the 7.5 percent water right is 8,126 acre-feet. The environmental water supply developed by OCID's water right purchase on lower Mill Creek during fish-run periods would average 7,019 to 7,319 acre-feet. The additional environmental water would provide water for environmental enhancement and other environmental purposes in the Sacramento River and Bay/Delta system. The water would not be exported from the Delta.

c. Monitoring and Assessment Plans

In order to test the hypothesis, the plan proposes to examine cause-and-effect relationships associated with flows and fish passage. Specifically, analysis of passage at critical riffles will be initiated to determine appropriate hydraulic conditions required for fish passage. Observers will monitor critical riffles to ascertain if adult spring-run chinook salmon respond to managed pulse flows and will record hydrologic and biological data. As a result, managers will be able to consider the benefits derived from potential modification of riffles and will be better prepared to manage the resources as appropriate.

Discussions with CDFG indicate that monitoring of spring-run chinook salmon in Mill Creek is difficult because of turbid and high water conditions in the spring months. Opportunities to monitor these fish are limited to suitable environmental conditions. An electronic fish counter at the Clough Dam no longer exists. Researchers must rely on visual observations to document fish presence and movement at riffle and diversion sites. Institutional constraints also exist and limit documentation of cause and effect of flow manipulation on adult fish passage. It is unlikely that the National Marine Fisheries Service (NMFS) and CDFG would approve handling and marking of spring run chinook salmon for adaptive management cause and effects experiments. As a result, methods involving fish marking either by pit tags or radio telemetry devices are not anticipated as part of the adaptive management strategy. The risk to fish as a result of stress appears to be too high to justify handling and marking. However, every effort to enhance visual capability by incorporating video or sonar technology would be pursued in the adaptive management strategy. The current CDFG fish passage-monitoring program will be supported and may be expanded as necessary with funds from the project conservancy fund.

An unprecedented opportunity exists with the implementation of this Program despite the environmental and institutional constraints explained previously. Restoration of the Mill Creek spring-run chinook salmon fishery is vital to all parties of this plan and the public. Installation of a fish counter (electric or sonar) at an appropriate site should be investigated. The development of additional monitoring tools to measure indicators and triggers that indicate the efficacy of the plan should also be pursued. Most importantly, additional monitoring must be complementary to the existing Spring-Run Protection Plan, CVPIA Comprehensive Assessment and Monitoring Program (CAMP), CALFED Comprehensive Monitoring Assessment and Research Program (CMARP), AFRP and CDFG monitoring programs. It is expected that the adaptive management of flows in April through June and in October will evolve over time. However, it is incumbent

that future flow strategies in Mill Creek take advantage of baseline operational data collected by CDFG, CDWR and LMMWC over the last decade.

d. Data Handling and Storage

OCID will serve as a coordinator between the local, state and federal agencies, providing a representative for the Conservancy Fund committee and preparing annual reports for local, state and federal agencies. These reports will address both the benefits and shortfalls of the project. OCID will also closely monitor, serve on or have representatives on the decision making team and continue to assess the effectiveness of the project.

OCID will conduct studies to develop the most efficient and economical long-term solutions to the fish passage problem on Mill Creek. The studies will be completed in the first three years of the plan. The results of the studies will be used to implement reasonably foreseeable future programs, **as funds** from other sources are made available, to establish a long-term solution to the Mill Creek fish passage problem. Reports and data will be submitted to CALFED in hard copy and in an electronic format compatible with Microsoft Access, Excel or Word.

e. Expected Products/Outcome

Enhance Mill Creek in-stream flows to ensure that upstream migrating spring-run adult chinook salmon, downstream migrating spring-run juvenile salmon, fall-run adult chinook salmon can migrate safely through the lower portion of Mill Creek in below average and *dry* water years. Also, define the scientific uncertainties of the Mill Creek natural flow regime to develop a long-term solution to the fish passage problem.

The Project is predicated on a willing seller/willing buyer concept in which all parties have an opportunity for beneficial gain. Sellers of their water rights will be provided funding with which to change farm operations to groundwater supplies, which are plentiful in the area and often more reliable in meeting irrigation needs. The Project will provide funding to install more efficient irrigation systems for improved on-farm water management practices. LMMWC will be provided additional water during the peak irrigation season and with increased flexibility. Furthermore, the project keeps LMMWC and MCC in a leadership role in the community working to solve the Mill Creek fish passage problem while relieving, at least to some extent, pressures for reduced water diversions from Mill Creek at times when water is needed by agricultural customers. The community will resolve fishery problems in a non-contentious manner and without economic harm. Tehama County will be provided economic benefits that protect the local agricultural economy and tax base. CALFED and AFRP goals and objectives will be achieved in a timely manner for the state and federal agencies.

f. Work Schedule

The Proposal is currently broken into phases to describe the scope of the work. It is important to recognize that these phases are not stand-alone Proposal phases that can be evaluated or ranked independently of the full Proposal.

Phase I (To be implemented immediately).

- OCID will exercise its options to purchase Mill Creek water right entitlements to provide environmental water that will be dedicated to in-stream use in Mill Creek for enhancement of salmon migration.

- Monitoring, collection and analysis of hydrologic and biological data will be undertaken to manage fish flows and improve fishery flow strategies on Mill Creek in conjunction with current CDFG monitoring programs. Biological triggers required for adaptive management would be identified. The Adaptive Management Program shall develop a conceptual model and test hypothesis in order to evaluate efficacy and a range of pulse flows required for successful adult fish passage.

Phase II (To be completed within three years)

- Provide readily available funds to accomplish other fish passage needs identified for Mill Creek, including funding for the Mill Creek Conservancy Fund.
- Conduct studies to develop the most efficient and economical long-term solution to the fish passage problem on Mill Creek.
- Even if the first two elements in Phase II are not completed, OCID must undertake studies to determine means for developing replacement water for LMMWC.

Phase III (To be implemented as Phase II is completed)

- Obtain funding to accomplish other fish passage needs identified as being necessary for the long-term solution to the fish passage problem on Mill Creek.

g. Feasibility

Steps have been taken to provide some mitigation for this problem. First, LMMWC has voluntarily cooperated with CDFG to limit exercising Mill Creek water rights when water is needed to provide transport flow below Ward Dam, and to maintain flow in the fish ladder at Ward Dam.

Second, LMMWC, CDFG and California Department of Water Resources (CDWR) have an agreement for construction, operation and maintenance of a Fisheries Restoration Project on Mill Creek. Also, LMMWC and CDFG have a water right lease with an individual water right holder to enhance salmon migration. The Fisheries Restoration Project operation uses leased water right on Mill Creek, amounting to about 7% of the Decree, to improve in-stream flow. The plan relies on exchange water from LMMWC's water right on Mill Creek to further increase the in-stream flow. When LMMWC's water right is used to further increase the in-stream flow, CDWR pumps groundwater from two wells into LMMWC canals in exchange for the water used from the LMMWC water right. The Fisheries Restoration Project agreement provides for a well capacity of 25 cfs but only 12 cfs has been developed to date. CDFG and LMMWC entered into the water right lease with a water right holder to provide the additional 13 cfs for the program.

Third, LMMWC, CDFG and CDWR have demonstrated that manipulating of spring pulse flows in addition to adequate transportation flows has resulted in suitable, temporary, hydrologic and geomorphic conditions for juvenile and adult chinook salmon passage. CDFG personnel can request pulse flows (up to the entire creek flow) if conditions warrant, which LMMWC will try to accommodate on a voluntary basis. Spring-run pulse flows appear to generate positive environmental cues to enhance the migration. Additional benefits have resulted from reduction in adult salmon straying to the Sacramento River and other tributaries.

As stated in the Working Paper on Restoration Needs (USFWS 1995a) "Central to these agreements are minimum base flow requirements (approximately 25 cfs) and the flexibility necessary to adapt management of in-stream flows to fishery needs as identified by on-the-

ground personnel.” However, these steps have not provided the desired quantity of assured flow conditions for reliable salmon transportation in the drier water years.

Past experiments by CDWR, CDFG and LMMWC suggest that manipulation of spring pulse flows have generated suitable, temporary hydrologic conditions for fish passage in addition to generating positive environmental cues to facilitate and enhance salmon passage. Cepello, 1995 reported that adult spring-run chinook salmon migration stopped due to low flows (approximately 10 cfs and 8.3 cfs immediately below Ward Dam and at the mouth of Mill Creek respectively). Furthermore, when flows were manipulated in May 1990, as many as 200 fish moved upstream during a 22 hour period. Salmon did not move upstream in numbers until after daylight and flows of 115 cfs were provided for 36 hours (432 acre-feet). This activity is a major milestone in fish passage research in Mill Creek and is the basis for future adaptive management in the watershed.

Alley et. al., 1996 reported that at critical riffle sites in lower Mill Creek, in-stream flows of at least 157 cfs and 27 cfs were needed for successful adult and juvenile migration. However, Alley also reports that if critical riffles were modified, flows could be reduced to 89 cfs and 20 cfs respectively to facilitate migration. This study also provides guidance for future adaptive flow management for lower Mill Creek and will contribute to meeting a project goal of reestablishing a spring-run salmon adult population of at least 4,400 adult fish.

OCID and the USBR have prepared a Draft Environmental Assessment/Initial Study (DEA/IS) addresses and analyzes relevant environmental issues associated with the implementation of the Mill Creek Anadromous Fish Adaptive Management Enhancement Plan and analyzes alternatives. This DEA/IS is intended to meet disclosure requirements of the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA) and to inform federal, state, and local decision-makers and the public. The process will be completed before the Project goes into operation, after October 1, 2000. To satisfy requirements of the Endangered Species Act, USBR informally consulted with the USFWS and NMFS regarding the effects of the Proposed Action on Federally listed species, and developing specific compliance measures. To satisfy requirements of the California Endangered Species Act, OCID informally consulted with the CDFG regarding the effects of the Proposed Action on Federally listed species, and developing specific compliance measures.

OCID has negotiated a cooperative partnership agreement with LMMWC for the Project, which includes access to LMMWC property to conduct the Project. When access to private property is required to conduct research or monitoring projects and groundwater level monitoring, OCID or LMMWC will obtain written permission from affected landowners for access.

D. APPLICABILITY TO CALFED GOALS AND IMPLEMENTATION PLAN AND CVPIA PRIORITIES

1. ERP Goals and CWIA Priorities

The Central Valley Project Improvement Act (CVPIA), signed into law on October 30, 1992 as Title 34 of Public Law 102-575, mandated changes in Central Valley Project (CVP) management, particularly to protect, restore and enhance fish and wildlife habitat. Section 3406(b)(1) of the CVPIA requires the development of a program that will make all reasonable efforts to ensure that, by the year 2002, the natural production of anadromous fish in the Central Valley rivers and streams will be sustainable on a long-term basis, at levels not less than twice the average levels attained during the period of 1967-1991. To meet this requirement, the USBR and USFWS have developed the Anadromous Fish Restoration Program (AFRP). The

AFRP production target for spring-run chinook salmon in Mill Creek is 4,400 naturally produced adult fish based on doubling the baseline of 2,200 adult fish presented in the 1995-1997 Comprehensive Assessment and Monitoring Program (CAMP) Annual Report (USFWS, 1998). This also meets CALFED's Goal 1 "At-Risk Species".

The Restoration Plan (USFWS 1997a) and The Working Paper on Restoration Needs (USFWS 1995a), the supporting documents for the AFRP, identify the following five limiting factors that need to be resolved to enable restoration and enhancement of Mill Creek:

- Inadequate transport flows on the valley floor;
- Improved passage at Clough Dam;
- Land use impacts in the upper watershed;
- Armored spawning gravel on the valley floor; and
- Degraded habitat on valley floor.

Presently AFRP identifies the following objectives:

- At least double natural production of anadromous fish in California Central Valley rivers from the average levels attained during the period of 1967-1991.
- Improve habitat for all life stages of anadromous fish through provision of flows of suitable quality, quantity and timing.
- Improve habitat for all life stages of anadromous fish through improved physical habitat.
- Improve the opportunity for adult fish to reach their spawning habitats in a timely manner.
- Collect fish population, health and habitat data to facilitate evaluation of restoration actions
- Involve partners in the implementation and evaluation of restoration actions.

The CALFED Ecosystem Restoration Program, Strategic Plan for Ecosystem Restoration (CALFED 1999) also calls for acquisition of water from willing sellers for fish passage purposes in Mill Creek as one of this Program's actions. Further, the proposed action in Mill Creek is synergistic with the following CALFED programs: Scientific Uncertainties; Natural Flow Regimes (Fishery Monitoring Assessment and Research and Flow Evaluation), Comprehensive Monitoring Assessment Research Program (CMARP); and Adaptive Management.

The "Recovery Plan for the Sacramento/San Joaquin Delta Native Fishes" USFWS, 1995b) states that "the only essentially wild populations of spring run chinook remaining in California are in Deer and Mill creeks in the Sacramento drainage. During wet or normal years, natural flows are sufficient to enable salmon to surmount diversion dams in lower reaches of these streams and reach holding pools. In dry years, however, diversions of water for irrigation may decrease flows in the lower reaches to such an extent that adults are unable to negotiate dams".

2. Relationship to Other Ecosystem Restoration Projects

LMMWC has historically cooperated with CDFG to limit exercising Mill Creek water rights when water is needed to provide transport flows below Ward Dam, and to maintain flows in the fish ladder at Ward Dam. LMMWC has proactively engaged innovative partnerships with state resource agencies. LMMWC and CDFG lease water from a Mill Creek water right holder in order to provide additional in-stream flows to enhance salmon migration in lower Mill Creek. LMMWC, CDFG and CDWR have an agreement for operation, and maintenance of a Fisheries Restoration Project on Mill Creek.

The existing Fisheries Restoration Project on Mill Creek has leased about 7% of the Decree yield to improve in-stream flows. The lease relies on exchange water from LMMWC's water right on

Mill Creek to augment in-stream flows as determined in consultation with CDFG. When LMMWC's water right is used for these increases, CDWR pumps groundwater from two wells into LMMWC canals in exchange for the water used from the LMMWC water right.

LMMWC, CDFG and CDWR have demonstrated, through these operations over past years, that manipulation of spring pulse flows in addition to adequate transportation flows has resulted in suitable, temporary, hydrologic and geomorphic conditions for juvenile and adult chinook salmon passage. Spring-run pulse flows appear to generate positive environmental cues to enhance the migration. Additional benefits may have resulted from reduction in adult salmon straying to the Sacramento River and other tributaries. However, it is recognized that these steps have not provided the desired quantity of assured flow conditions for reliable salmon transportation in the drier water years.

The current agreements and operations by LMMWC and CDFG target a base in-stream flow of 25 cfs below Ward Dam in the April through June period, but experience of LMMWC and CDFG has shown that an in-stream flow greater than 25 cfs below Ward Dam is more desirable than is possible under the current operations. The increased in-stream flow would be very beneficial for fish passage in below average and dry water years.

3. System-Wide Ecosystem Benefits

It may be difficult, if not impossible, to project the long-term benefits from this Project in terms of fish or increases in population of particular species. However, the Project does bring a guarantee of water to the stream in a manner of complete harmony with the local community. The Project will or is expected to determine what works or what doesn't work on a biological basis, to strengthen the scientific basis for making future decisions. The Project not only will add environmental water to the lower reach of Mill Creek but also to the Sacramento River and Bay/Delta system. Furthermore, the involvement of OCID, LMMWC and the local community increases the number of people and entities working together in cooperative partnership to solve problems without relying solely on understaffed state and federal government agencies.

E. QUALIFICATIONS

Orange Cove Irrigation District

OCID, an irrigation district in Fresno and Tulare Counties, is organized and operates in accordance with provision 11 of the Water Code of the State of California. OCID is a contractor for federal project water via the Friant Unit of the CVP. OCID is strongly committed to full compliance under Reclamation Law and in serving its constituents in the best manner possible. In that regard, OCID recognizes that a CALFED and AFRP project directly developed and managed by contractors is preferable because funds will go directly to beneficial use within the shortest time possible while complementing efforts of agencies responsible for implementing CALFED and CVPIA. Furthermore, OCID is committed to providing expertise and resources necessary to make this a viable CALFED and AFRP project. OCID has been and will continue to be proactive in protecting and promoting actions that are in the best immediate and long-term interests of OCID constituents.

James Chandler (Engineer-Manager, Orange Cove Irrigation)

James Chandler is a registered Professional Agricultural Engineer and is OCID's General Manager/Engineer. He has held this position since June 1986. Mr. Chandler has led the 28,000-acre District through extensive renovation and reorganization. As a result it now serves as a model district for customer service. The \$20 million state-of-the-art water distribution system

was privately financed and constructed in-house by District forces under Mr. Chandler's supervision. He has also led the District through development of two hydroelectric power plants that provide additional revenue for payment toward the new water distribution system. The District has also been innovative in using reclaimed water generated from the City of Orange Cove.

Prior to employment with the OCID, Mr. Chandler spent 21 years as a professional engineer with USDA, Soil Conservation Service (currently, National Resources Conservation Service). He served in various engineering capacities including Project Engineer for a \$10 million water distribution system in Kern County, Area Engineer serving seven counties in the southern San Joaquin Valley and Owens Valley areas, Engineering Specialist with emphasis on irrigation and drainage projects and, Field Office Engineer with duties covering a various on-farm conservation practices.

Robert T. Ramirez (Controller/ Treasurer, Orange Cove Irrigation District)

Robert Ramirez received a Bachelor of Science Degree in Business from California State University, Fresno in 1971 and is a licensed Certified Public Accountant. He has 29 years of agricultural related accounting experience, including ten years of Public Accounting experience.

Mr. Ramirez has been employed with the Orange Cove Irrigation District since January 1, 1996. His duties include the preparation and monitoring of departmental budgets. He prepares monthly reports to the Board of Directors reporting the financial standing of the District and other related activities of the accounting department.

Prior employment included engagements with Riverbend International, and Jack L. Woolf Enterprises as Controller and Director of Accounting.

Harvey Williams (H. R. Williams Engineering Services)

Harvey Williams received a B.S. in Agricultural Engineering from Washington State University in 1958 and is licensed as a Professional Agricultural Engineer in California. He has 39 years of experience in all phases of water supply management and irrigation system operations and maintenance.

Mr. Williams worked 26 years as an engineer for the USBR at Project and Regional levels. He worked at the Columbia Basin Project in Washington State as a division engineer, the Denver Regional Office in Denver, Colorado as a general engineer and the Central Valley Project's Fresno Office in California as a supervisory civil engineer. His USBR experience was in engineering, management and supervision responsibilities for operation and maintenance activities on dams, canals and open and closed lateral systems. His experience also included management of surface and groundwater supplies and water user relations.

For 11 years, Mr. Williams managed the Shafter-Wasco Irrigation District, a CVP contractor.. District responsibilities included implementation of policies, financial management and efficient and dependable water service to water users. His duties included management of the District's 110-mile pipeline lateral system and surface and groundwater supplies.

Mr. Williams has devoted two years to working as an engineering consultant with irrigation district clients developing environmental restoration water projects.

Fisheries Biologist (Selection to be made before October 1,2000)

The successful candidate must have scientific expertise in the adaptive management process. This requires continuous involvement of independent science in the formulation and implementation of the ERPP. The successful candidate would be involved in reviewing the rationale, methods, results and analyses; developing and reviewing recommendations and pointing out new opportunities.

In order to utilize science as a basis for the adaptive management system, there is a requirement to develop and use of models of physical and biotic ecosystem processes with links to key biotic components and test the hypotheses through measurements and experiments. The process will need to be articulated and the approach explained to stakeholders. The position will involve an adaptive management framework, incorporating decisions that are based incrementally in scientific analysis, hypotheses testing and monitoring.

The position will require continual interaction with agency managers, agency scientists and independent scientists. Part of this interaction would be to resolve technical conflicts over data; analyses; interpretations, and conclusions.

William Bergmann (Hydrogeologist, Kleinfelder Engineering, Inc)

Mr. Bergmann has more than 17 years of experience with planning, management and performance of hydrogeologic studies related to water resources, subsurface environmental investigations, geotechnical, and solid waste projects. He has conducted numerous automated aquifer performance tests. He has obtained regulatory closure for numerous underground storage tank sites and assisted many clients in obtaining reimbursement from the California State Water Resource Control Board Underground Storage Tank Cleanup Fund. He has developed closure plans for landfill projects involving the preparation of Report of Disposal Site Information, CEQA scoping documents, landfill gas migration monitoring, and quarterly groundwater monitoring. Mr. Bergmann also has extensive experience with environmental regulatory compliance at both the State and Federal levels.

F. COST

The proposed project will have a three-year duration with a total budget of \$ 1,504,210. The budget for year one is \$647,112. year two \$452,391 and year three \$404,707. A yearly budget breakdown for the proposal is shown in Table 1. The tasks of this Project must be viewed comprehensively and not as individual Project components. The Project seeks long-term solutions to fishery problems on Mill Creek in harmony with the local community. To do so, the Project must protect the County's economic base, which is primarily agricultural. Water diversions from Mill Creek have historically been for agricultural production.

The following descriptions define the four tasks (shown in Table 1) that will be performed during the 3-year duration of the project: The District's overhead rate for the project is 30%. The rate encompasses general office requirements, office staff and District fixed costs.

Task I. Adaptive Management and Monitoring

The Adaptive Management and Monitoring Task will have a three-year duration with a total budget of **\$604,290**. The budget for year one is **\$249,217** year two **\$178,417** and year three **\$176,656**.

The Adaptive Management and Monitoring Task will be directed by a Fisheries Biologist (to be selected before October 1, 2000). The Task will involve collection and analyzing existing Mill Creek hydrologic and biological data that has been collected by local, state and federal agencies. It will establish a real-time monitoring program to monitor stream diversions and in-stream flows, water quality and temperatures, critical riffles and flows at the riffles, fish presence and fish passage. Installation of a fish counter (electric or sonar) at an appropriate site should be investigated. The development of additional monitoring tools to measure indicators and triggers that indicate the effectiveness of the plan should also be pursued. The fishery biologist will direct a crew of qualified data collectors, hired by OCID during fish migration periods. Most importantly, additional monitoring must be complementary to the existing Spring-Run Protection Plan, CVPIA Comprehensive Assessment and Monitoring Program (CAMP), CALFED Comprehensive Monitoring Assessment and Research Program (CMARP), AFRP and CDFG monitoring programs.

An Adaptive Management Program will be established to test the hypothesis and coordinate the in-stream flow operation with CDFG and LMMWC to achieve the preferred flows downstream of Ward Dam during salmon migration periods. The dedicated in-stream flow will be managed to provide enhanced fish passage conditions for juvenile and adult spring-run and fall-run chinook salmon. Water use strategies of a dedicated in-stream water supply will be analyzed to maximize migration success of juvenile and adult spring-run and fall-run chinook salmon, and efficient use of a limited water supply. It is expected that the adaptive management of flows in April through June and in October will evolve over time.

Biological and biological triggers that test the hypothesis and may be used as perimeters for adaptive management will be identical. A peer review program will be established to analyze the monitoring data and adaptive management actions to test the hypothesis. Future water supply needs and water sources to expand this program will be identified. An Adaptive Management Program that will provide a long-term solution to the Mill Creek fish passage problem is to be developed.

Task II. Groundwater Potential

The Groundwater Potential Task will have a three-year duration with a total budget of **\$252,523**. The budget for year one is **\$126,115** year two **\$ 74,677** and year three **\$51,731**.

OCID ~~has~~ agreed to find replacement water for LMMWC for the water it is selling to the Project. The replacement water will most likely be made up through conservation practices, or a conjunctive use program, or some combination thereof. The potential of conjunctive use program will be evaluated by groundwater studies, which will be conducted by Williams Bergmann, Kleinfelder Engineering, Inc. The purpose of the Task is to determine the area's groundwater supply safe yield, potential locations for groundwater recharge and potential groundwater supply extraction areas, identifying the potential water supply from the area's groundwater resource.

The Task will involve collection and analyzing existing Mill Creek groundwater level and geologic data that has been collected by local, state and federal agencies. A program will be established to monitor groundwater levels in the LMMWC service area, which fluctuate on an annual basis as a reaction to extraction operations, infiltration and downward percolation from precipitation, surface water sources and imigation, and subsurface inflows and outflows.

Close coordination with Tehama County will be required to adequately address local groundwater concerns if any new groundwater wells are proposed to be installed as a result of this plan. Any new groundwater wells must be installed and operated in accordance with the Tehama County Aquifer Protection Ordinance (Tehama Ordinance 1617), Tehama County Flood Control and Water Conservation District coordinated AB 3030 Groundwater Management Plan (Tehama 1996), and Tehama County water well construction, rehabilitation, repair and destruction standards (Tehama Chapter 15.56).

Task. III, Water Conservation

The Water Conservation Task will have a three-year duration with a total budget of \$270,902. The budget for year one is \$114,244 year two \$89,614 and year three \$67,044.

OCID has agreed to find replacement water for LMMWC for the water it is selling to the Project. The replacement water will most likely be made up through conservation practices, or a conjunctive use program, or some combination thereof. The potential for additional water supplies from conservation practices will be evaluated by studies of the LMMWC Distribution system, which will be conducted by Jim Chandler, OCID Manager, and Harvey Williams, H. R. Williams Engineering Services. The Task will involve collection and analyzing existing water conservation and modernization studies for the LMMWC distribution system. An important phase of the Task will be to inventory the present distribution system and to document the existing operating policies and procedures. The Task will also involve reconstructing past diversion records and establishing a real time water diversion database. A real time data collection system would be installed. An up to date LMMWC service area land use report must be developed to determine the area's crop water needs.

An analysis of the distribution system's efficiency, operational policies and crop water needs is required to determine if additional water supply for Mill Creek could be provided economically through reduced diversions. A program would be developed to install economically feasible improvements in the system for reduced diversions from the Mill Creek.

Task IV. Conservancy Fund

The Conservancy Fund Task will have a three-year duration with a total budget of \$150,000. The budget for year one is \$50,000 year two \$50,000 and year three \$50,000.

OCID will also establish a Conservancy Fund as a part of the project. This fund may be used for fish passage monitoring, riffle modification, assessment, research and education on Mill Creek. A committee of representatives from OCID, LMMWC, CDFG, CDWR, MCC and The Nature Conservancy (TNC) will administer the Fund. As issues are closely examined and since large quantities of water cannot be furnished, it appears the most viable program should consider a balance between water and a monetary fund. The funds could be used to accomplish some of the fish passage needs identified for Mill Creek. These include supporting CDFG fish passage monitoring and in critically short water years, in-stream modification of riffles and sediment beds to permit or accommodate salmon spawning and/or passage. Researchers on Mill Creek will

need to identify additional fish passage monitoring methods, biological triggers and environmental cues as part of the adaptive management approach in order to guide in-stream flow release strategies for salmon passage in lower Mill Creek.

Project Management

The Project Management Task will have a three-year duration with a total budget of \$226,495. The budget for year one is \$107,536 year two \$59,683 and year three \$59,276.

The OCID Manager will manage the Project. His responsibilities will include coordinating the Project Tasks, serving as a coordinator between the local, state and federal agencies, insuring the quality of the work, providing a representative for the Conservancy Fund committee and preparing annual reports for local, state and federal agencies. These reports will address both the benefits and shortfalls of the Project. OCID will also closely monitor, serve on or have representatives on the decision making team and continue to assess the effectiveness of the Project. OCID will be responsible for identifying future water supply needs and water sources to expand this Project to provide a long-term solution to the Mill Creek fish passage problem.

2. Cost Sharing

The USBR and USFWS will fund the acquisition of 7.5% Decree. The objective is to supplement existing in-stream flows by permanently dedicating this acquired water. This would benefit the environment during roughly 30% of the water years by utilizing approximately 60% of the acquired water. OCID would enhance the effectiveness of this water by working with LMMWC and others to develop water operations procedures.

Federal funds will be utilized from CVPIA to implement the Mill Creek Project by funding the water acquisition. These would be made through payments to the District over several fiscal years beginning with fiscal year 2001. The USBR and USFWS will work with the District to enter into an Agreement in Principle for moving forward with the water acquisition. Projects of this nature are candidates for funding by other sources. The District and the agencies have discussed the potential for jointly approaching cost share partners (for example, CALFED and the State) to fund the various phases of the proposal and recommended that the District pursue cost share partners.

G. LOCAL INVOLVEMENT

The project is predicated on a willing seller/willing buyer concept in which all parties have an opportunity for beneficial gain. Sellers of their water rights will be provided funding with which to change farm operations to groundwater supplies, which are plentiful in the area and often more reliable in meeting irrigation needs. OCID has secured necessary water rights for the project and has negotiated a cooperative partnership agreement with LMMWC, the local irrigation water purveyor. OCID is an agricultural district serving 28,000 acres and LMMWC is an agricultural water provider serving approximately 8,500 acres. The two agencies have developed a partnership to enhance salmon migration on Mill Creek in a program, which is beneficial to the environment, the local community and agriculture. The program incorporates operational flexibility of LMMWC Mill Creek diversions and generates benefits for fish and wildlife and introduces technology to increase efficiency of groundwater use of the project area and a economic benefit for the County. It also provides a framework for "adaptive management of a dedicated water supply for salmonid restoration and recovery".

OCID and LMMWC have met several times with representatives from the local offices of CDFG and CDWR to discuss Mill Creek fish passage needs and the operation and results of their current fish passage enhancement programs. The OCID project was developed to augment the current programs and to find a long-term solution to Mill Creek fish passage problem. The two agencies have been very supportive of the project in reviewing the project with federal agencies.

OCID have met several times with the Tehama County Public Works Department and members of the County AB 3030 Groundwater Management Committee to review the plan and incorporate their concerns into the plan. An AB 3030 Groundwater Management Plan, coordinated by the Tehama County Flood Control and Water Conservation District, regulates the groundwater in Tehama County. Also Tehama County has enacted Ordinance 1617, establishing Tehama County Aquifer Protection. The primary purpose of the plan is to prevent long-term overdraft of groundwater within the plan area and to balance long-term average annual replenishment with extraction and other losses to the basin as may be consistent with the public interest of the plan area population. The Ordinance prohibits the mining of groundwater and requires County permits for the installation and operation of any groundwater well installed for extraction of groundwater for off-site use. The objective of Tehama County is to protect the County's groundwater supply and quality to provide local users with a reliable long-term water supply.

OCID has met with MCC, a local watershed group comprised of landowners and interested parties. MCC has published the Mill Creek Watershed Strategy Report (CH2M Hill 1997), prepared by CH2M HILL on behalf of the Mill Creek Conservancy, identifies numerous resource issues in the Mill Creek Watershed. Fish passage, protection of wild populations, restoration of threatened and endangered species and improved water quality are among the priorities identified in the Report. It also identifies improved fish passage as a major resource issue in the watershed. OCID has used this report to develop its strategy for improving fish passage in Mill Creek. OCID, LMMWC and MCC published a newsletter in December 1999 to keep interested people up to date on our efforts to establish the program. Much had taken place to *make* the Mill Creek Anadromous Fish Adaptive Management Enhancement Plan a reality and it was important to keep the local community aware of the proposed program, its sponsors and the plan's goals and challenges.

H. COMPLIANCE WITH STANDARD TERMS AND CONDITIONS

Orange Cove Irrigation District agrees to comply with the State and Federal terms and conditions of the provisions necessary to conduct its program under the CALFED Process.

I. LITERATURE CITED

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U.S. Fish and Wildlife Service (USFWS) 1997a. Revised Draft Restoration Plan for the Anadromous Fish Restoration Program. A Plan to Increase Natural Production of Anadromous Fish in the Central Valley of California. Prepared by the U.S. Fish and Wildlife Service with assistance from the Anadromous Fish Restoration Core Group under authority of the Central Valley Improvement Act.

U.S. Fish and Wildlife Service (USFWS) 1998. 1995-1997 Comprehensive Assessment and Monitoring Program (CAMP) Annual Report

J. ENCLOSURES AND ATTACHMENTS

- **Project Budget – Table 1**
- **Conceptual Model Diagram – Figure 1**
- **Project Map**
- **Copy of Local Notification Letter**
- **Environmental Compliance Checklist**
- **Land Use Checklist**
- **State and Federal Contract Forms**

TABLE 1
MILL CREEK
STUDY AND MONITORING BUDGET

Year	Task	Item Description	Direct Labor Hours	Salary	Benefits	Travel	Biological Studies Contract		Groundwater Studies Contract		Conservation Studies Contract		Overhead	Supplies & Expendables	Equipment	Total Cost
							Hours	Dollars	Hours	Dollars	Hours	Dollars				
Year 1																
	Task I	Adaptive Management and Monitoring				\$1,000									\$50,000	
	A.	Research/review fish passage studies					120	\$9,600								
	B.	Research/review water quality studies					80	\$6,400								
	C.	Monitor in-stream flow releases	320	\$9,600	\$3,200	\$650	20	\$1,600								
	D.	Monitor critical riffles	320	\$9,600	\$3,200	\$650	20	\$1,600								
	E.	Monitor confluence of Sac. River	320	\$9,600	\$3,200	\$650	20	\$1,600								
	F.	Monitor fish presence at Sac. River	320	\$9,600	\$3,200	\$650	20	\$1,600								
	G.	Monitor fish presence at critical riffles	320	\$9,600	\$3,200	\$650	20	\$1,600								
	H.	Monitor fish passage	320	\$9,600	\$3,200	\$650	20	\$1,600								
	I.	Analyze fish passage as a function of flow					60	\$4,800								
	J.	Develop hydrological and biological triggers for future flow operations.					80	\$6,400								
	K.	Peer review/hypothesis development to continue adaptive manage program	60	\$3,236	\$1,726		80	\$6,400			80	\$6,400				
	L.	Progress Reports	40	\$1,618	\$863	\$4,000	80	\$6,400			40	\$3,200				
		Total		\$62,454	\$21,790	\$9,600		\$49,600				\$9,600	\$45,973		\$50,000	\$249,217
	Task II	Groundwater Potential				\$1,000									\$5,000	
	A.	Research groundwater studies for the area							120	\$9,600						
	B.	Research existing (State) groundwater database							80	\$6,400						
	C.	Geologic research/review							120	\$9,600						
	D.	Establish groundwater monitor program to determine safe yield							120	\$9,600						
	E.	Identify potential for groundwater recharge areas.							120	\$9,600						
	F.	Identify potential groundwater extraction areas							120	\$9,600						
	G.	Study/results coordination with local entities.	160	\$6,472	\$3,453				80	\$6,400	160	\$12,800				
	H.	Progress Reports	20	\$809	\$432	\$1,000					80	\$6,400				
		Total		\$7,281	\$3,884	\$2,000				\$96,000		\$19,200	\$27,950		\$5,000	\$128,115
	Task III	Distribution System Water Cons. Opportunities				\$2,000										
	A.	Research studies for systems (Water Cons.)	80	\$3,236	\$1,726						120	\$9,600				
	B.	Inventory existing system	40	\$1,618	\$863						160	\$12,800				
	C.	Determine existing operating policies and procedures	40	\$1,618	\$863						40	\$3,200				
	D.	Establish diversion database	40	\$1,618	\$863						80	\$6,400			\$25,000	
	E.	Determine land use in service area	40	\$1,618	\$863						80	\$6,400				
	F.	Progress Reports	80	\$3,236	\$1,726	\$2,000					80	\$6,400				
		Total		\$12,944	\$6,906	\$4,000						\$44,800	\$20,695		\$25,000	\$114,244
	Task IV	Conservancy Fund												\$50,000		\$50,000
	Project Management		1200	\$26,832	\$11,680	\$2,000							\$12,124	\$5,000	\$50,000	\$107,536
		Total - Year 1		\$109,511	\$44,100	\$17,600		\$49,600		\$60,800		\$73,600	\$109,641	\$55,000	\$130,000	\$647,112
																\$647,112

TABLE 1
MILL CREEK
STUDY AND MONITORING BUDGET

Year	Task	Task Description	Direct Labor Hours	Salary	Benefits	Travel	Biological Studies		Groundwater Studies		Conservation Studies		Overhead	Supplies & Expendables	Equipment	Total Cost
							Hours	Dollars	Hours	Dollars	Hours	Dollars				
Year 2	Task I	Adaptive Management and Monitoring				\$1,000										
	A.	Monitor in stream flow releases	320	\$9,600	\$3,200	\$950	20	\$1,000								
	B.	Monitor Critical riffles	320	\$9,600	\$3,200	\$950	20	\$1,000								
	C.	Monitor confluence at Sac. River	320	\$9,600	\$3,200	\$950	20	\$1,000								
	D.	Monitor fish presence at Sac. River	320	\$9,600	\$3,200	\$950	20	\$1,000								
	E.	Monitor fish presence at critical riffles	320	\$9,600	\$3,200	\$950	20	\$1,000								
	F.	Monitor fish passage	320	\$9,600	\$3,200	\$950	20	\$1,000								
	G.	Analyze fish passage as a function of flow					60	\$4,000								
	H.	Develop hydrological and biological triggers for future flow operations.					80	\$5,400								
	I.	Peer review/hypothesis development to continue adaptive manage program	80	\$5,238	\$1,728		80	\$5,400			80	\$5,400				
	J.	Progress Reports	40	\$1,618	\$563	\$4,900	80	\$5,400			40	\$3,200				
	Total			\$62,464	\$21,790	\$8,800		\$33,600				\$9,600	\$41,173			\$178,417
	Task II	Groundwater Potential				\$1,000										
	A.	Evaluate existing groundwater monitoring program (determine safe yield)							120	\$9,600						
	B.	Identify potential for groundwater recharge areas							120	\$9,600						
	C.	Identify potential groundwater extraction areas							120	\$9,600						
	D.	Study/results coordination with local entities.	80	\$5,238	\$1,728				40	\$3,200	80	\$5,400				
	E.	Progress Reports	40	\$1,618	\$563	\$1,000			80	\$5,400	40	\$3,200				
	Total			\$4,664	\$2,500	\$2,000				\$38,400		\$9,600	\$17,233			\$74,877
	Task III	Distribution System Water Cons. Opportunities				\$2,000										
	A.	Develop crop water needs(hydrograph)	40	\$1,618	\$563						80	\$5,400				
	B.	Determine relationship between crop water needs and water diversion	80	\$5,238	\$1,728						80	\$5,400				
	C.	Evaluate system delivery capability	80	\$5,238	\$1,728						120	\$9,600				
	E.	Evaluate remedies to improve system performance and cost.	160	\$6,472	\$3,453						120	\$9,600				
	F.	Estimate potential water savings (hydrograph)	60	\$2,427	\$1,286						60	\$4,800				
	G.	Progress Report	40	\$1,618	\$563						20	\$1,600				
	Total			\$18,607	\$8,827	\$2,000						\$38,400	\$20,680			\$69,014
	Task IV	Contingency Fund												\$50,000		\$50,000
	Project Management		1200	\$27,837	\$11,027	\$2,500							\$12,618	\$5,000		\$59,883
	Total - Year 2			\$119,552	\$48,233	\$18,300		\$33,600		\$38,400		\$57,600	\$81,706	\$65,000		\$452,391

TABLE 1
MILL CREEK
STUDY AND MONITORING BUDGET

Year	Task	Item Description	Direct Labor Hours	Salary	Benefits	Travel	Biological Studies		Groundwater Studies		Conservation Studies		Overhead	Supplies & Expendables	Equipment	Total Cost
							Hours	Dollars	Hours	Dollars	Hours	Dollars				
Year 3	Task I	Adaptive Management and Monitoring				\$1,000										
	A.	Monitor in stream flow releases	320	\$9,600	\$3,200	\$650	20	\$1,600								
	B.	Monitor critical riffles	320	\$9,600	\$3,200	\$650	20	\$1,600								
	C.	Monitor confluence at Sac. River	320	\$9,600	\$3,200	\$650	20	\$1,600								
	D.	Monitor fish presence at Sac. River	320	\$9,600	\$3,200	\$650	20	\$1,600								
	E.	Monitor fish presence at critical riffles	320	\$9,600	\$3,200	\$650	20	\$1,600								
	F.	Monitor fish passage	320	\$9,600	\$3,200	\$650	20	\$1,600								
	G.	Analyze fish passage as a function of flow					60	\$4,800			20	\$1,600				
	H.	Develop hydrological and biological triggers for future flow operations					80	\$6,400			20	\$1,600				
	I.	Peer review/develop final management strategies/guidelines	80	\$3,200	\$1,067		80	\$6,400			80	\$6,400				
	J.	Progress reports	40	\$1,600	\$978		80	\$6,400			40	\$3,200				
	Total			\$62,464	\$22,135	\$4,900		\$33,600				\$12,800	\$40,767			\$176,606
	Task II	Groundwater Potential														
	A.	Finalize Groundwater Study				\$1,000			80	\$6,400						
	B.	Third year monitoring							120	\$9,600						
	C.	Prepare Report with Conclusions and Recommendations	40	\$1,600	\$978				120	\$9,600	40	\$3,200				
	D.	Results coordination with local entities	40	\$1,600	\$978				20	\$1,600	40	\$3,200				
	Total			\$3,200	\$1,957	\$1,000				\$27,200		\$6,400	\$11,800			\$51,731
	Task III	Distribution System Water Cons. Opportunities														
	A.	Analyze data from 3-year study task	80	\$3,200	\$1,067	\$2,000					120	\$9,600				
	B.	Develop alternatives and prepare cost estimates	160	\$6,400	\$3,914						160	\$12,800				
	C.	Prepare final report with conclusions and recommendations	80	\$3,200	\$1,067						80	\$6,400				
	Total			\$12,800	\$7,828	\$2,000						\$28,800	\$15,472			\$67,044
	Task IV	Conservancy Fund												\$50,000		\$50,000
	Project Management		1200	\$36,000	\$12,205	\$1,000							\$12,525	\$5,000		\$50,278
	Total - Year 3			\$107,100	\$44,205	\$8,900		\$33,600		\$27,200		\$48,000	\$60,700	\$55,000	\$0	\$404,707
	Total - 3 Year Proposal			\$330,160	\$134,598	\$43,000		\$118,800		\$126,400		\$179,200	\$279,048	\$165,000	\$130,000	\$1,504,210
															Use	\$1,504,210

Lower Mill Creek Fish Passage Project Conceptual Model

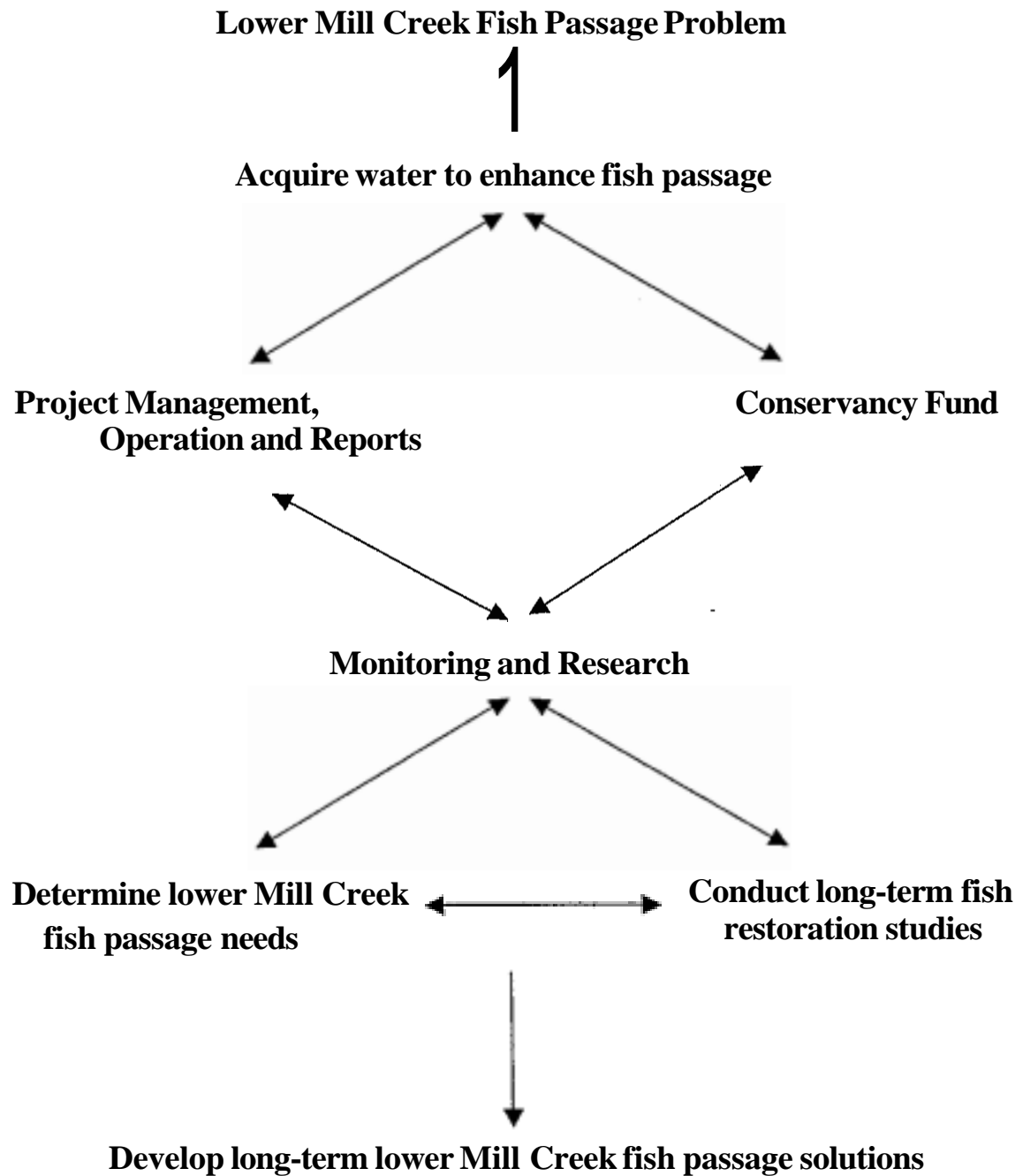
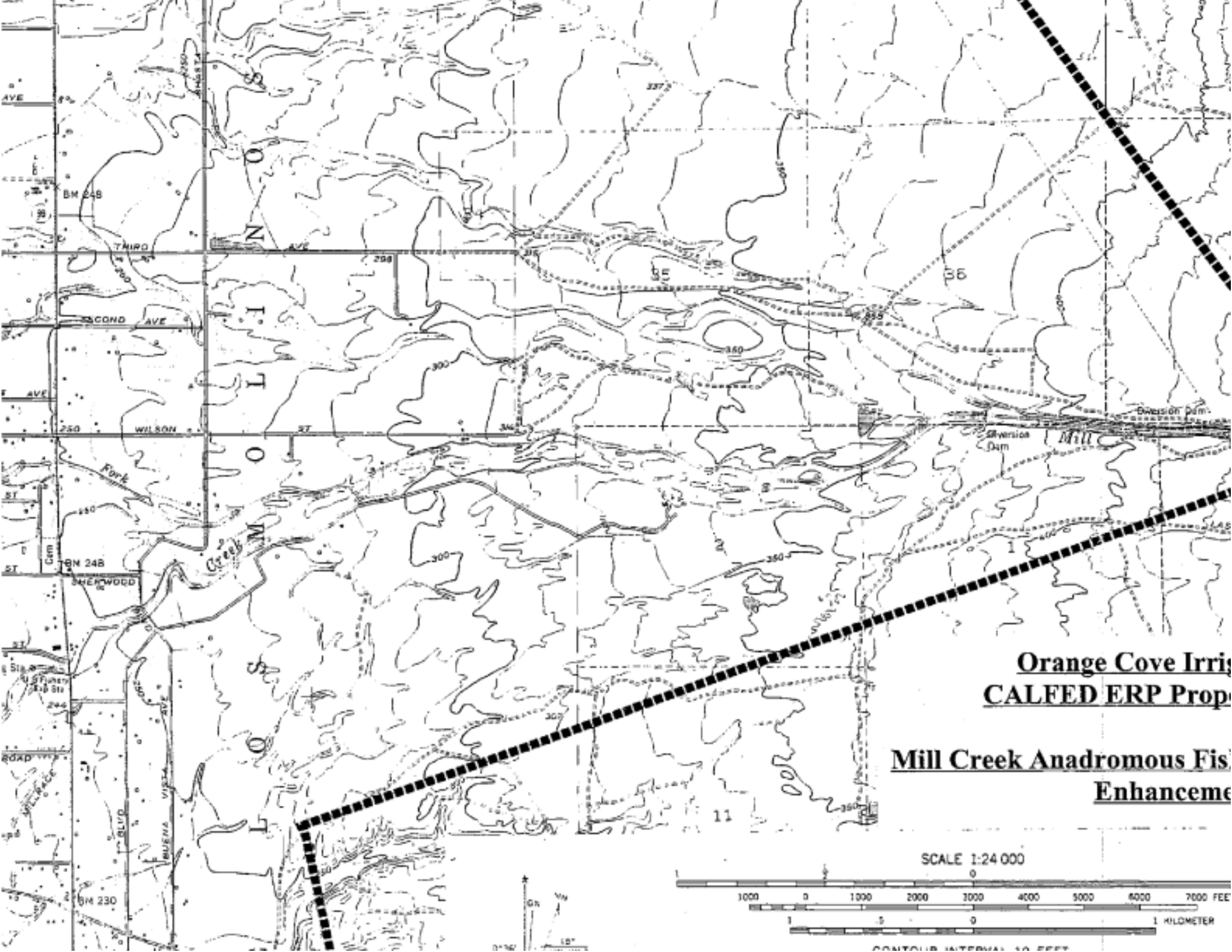


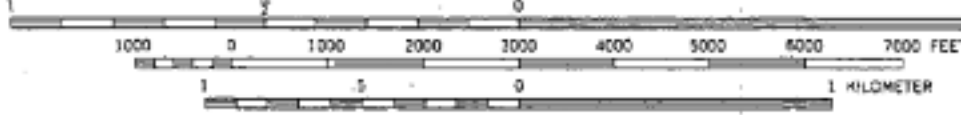
Figure 1



**Orange Cove Irrigation
CALFED ERP Project**

**Mill Creek Anadromous Fish
Enhancement**

SCALE 1:24 000



ORANGE COVE IRRIGATION DISTRICT

BOARD OF DIRECTORS AND OFFICERS

President
Richard McFarlin
Division 4

Vice-president
James O. Orlopp
Division 5

Harvey A. Bailey
Division 1

David A. Brown
Division 2

Henry A. Collin, III
Division 3

Engineer-Manager-
Secretary-Assessor-
Collector
James C. Chandler

Controller / Treasurer
Robert T. Ramirez

Legal Counsel
*Minasian, Minasian,
Minasian, Spruance,
Baber, Meith & Soares*

1130 Park Boulevard- P.O. Box 308
ORANGE COVE, CALIFORNIA 93646
Phone: (559) 626-4461
Fax: (559) 626-4463

May 11, 2000

Clerk of the Board of Supervisors
Tehama County
P. O. Box 250
Red Bluff, CA 96080

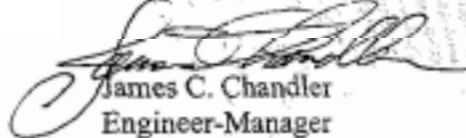
Public Works Department
Tehama County
9380 San Benito Avenue
Gerber, CA 96035

Enclosed is a copy of the Orange Cove Inigation District's application for CALFED Bay-Delta Program funding to support *the* Mill Creek Fisheries Enhancement Program the District is proposing with Los Molinos Mutual Water Company. The District has **and** will continue to **work very** closely with the County and local interest groups for coordination and assurance that the program **is** compatible with local interests.

The District has reached agreement with U. S. Bureau of Reclamation and U. S. Fish and Wildlife Service for the water acquisition component of the project. CALFED funding is needed to monitor the results of the adaptive management program and to conduct studies to determine long-term solutions for fisheries enhancement on Mill Creek in a harmonious manner with the local community. The studies are to include evaluations of the groundwater basin for safe yield and/or the potential for a conjunctive use program and conservation practices for Los Molinos Mutual Water Company. It is estimated the studies will take three years to complete.

If you have questions regarding this matter, please contact the undersigned.

Very truly yours,


James C. Chandler
Engineer-Manager

cc: Jim Loudon/Bill Berens, Los Molinos Mutual Water Company
Kerry Burke, Mill Creek Conservancy
Don Koch, California Department of Fish & Game, Region 1
Dwight Russell, California Department of Water Resources, Northern District

Enclosure: CALFED Application

Environmental Compliance Checklist OCID Mill Creek Proposal

All applicants must fill out this Environmental Compliance Checklist. Applications must contain answers to the following questions to be responsive and to be considered for funding. **Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered-for-funding.**

1. Do any of the actions included in the proposal require compliance with either the California Environmental Quality Act (CEQA), the National Environmental Policy Act (NEPA), **or** both?

 X
YES

NO

2. If you answered yes to # 1, identify the lead governmental agency for CEQA/NEPA compliance

NEPA – US Bureau of Reclamation CEQA – Orange Cove Irrigation District
Lead Agency

3. If you answered no to # 1, explain why CEQA/NEPA compliance is not required for the actions in the proposal,

4. If CEQA/NEPA compliance is required, describe how the project will comply with either **or** both of these laws.
Describe where the project is in the compliance process and the expected date of completion.

OCID and the USBR have prepared a Draft Environmental Assessment/Initial Study (DEA/IS) addresses and analyzes relevant environmental issues associated **with** the implementation of the Mill Creek Anadromous Fish Adaptive Management Enhancement Plan and analyzes alternatives. This DEMS is intended to meet disclosure requirements of the National Environmental Policy Act (NEPA), California Environmental Quality Act (CEQA) and to inform federal, state, and local decision-makers and the public. The process will be completed before the Project goes into operation after October 1, 2000. To satisfy requirements of the Endangered ESA, USBR informally consulted with the U.S. Fish and Wildlife Service (USFWS) and National Marine Fisheries Service (NMFS) regarding the effects of the Proposed Action on Federally listed species, and developing specific compliance measures. To satisfy requirements of the California Endangered Species Act, OCID informally consulted with the CDFG regarding the effects of the Proposed Action on Federally listed species, and developing specific compliance measures.

5. Will the applicant require access across public **or** private property that the applicant does not own to accomplish the activities in the proposal?

 X
YES

NO

If yes, the applicant must attach written permission for access from the relevant property owner(s). Failure to include written permission for access may result in disqualification of the proposal during the review process. Research and monitoring field projects for which specific field locations have not been identified will be required to provide access needs and permission for access with 30 days of notification of approval.

OCID has negotiated a cooperative partnership agreement with LMMWC for the Project, which includes access to their property to conduct the project. When access to private property is required to conduct research **or** monitoring projects and groundwater level monitoring, OCID **or** LMMWC will obtain written permission for access from affected landowners

6. Please indicate what permits or other approvals may be required for the activities contained in your proposal. Check all boxes that apply.

LOCAL

Conditional use uermit	_____
Variance	_____
Subdivision Map Act approval	_____
Grading permit	_____
General plan amendment	_____
Specific plan approval	_____
Rezone _____	_____
Williamson Act Contract	
Cancellation	_____
Other _____	
(please specify)	
None required	<u> X </u>

STATE

CESA Compliance	<u> X </u>	(CDFG)
Streambed alteration permit	_____	(CDFG
CWA § 401 certification	_____	(RWQCB)
Coastal development permit	_____	(Coastal Commission/BCDC
Reclamation Board approval	_____	
Notification	_____	(DPC, BCDC
Other _____		
(please specify)		
None required	_____	

FEDERAL

ESA Consultation	<u> X </u>	(USFWS)
Rivers & Harbors Act permit	_____	(ACOE)
CWA § 404 permit	_____	(ACOE)
Other _____		
(please specify)		
None required		

DPC =Delta Protection Commission

CWA = Clean Water Act

CESA = California Endangered Species Act

USFWS = U.S. Fish and Wildlife Service

ACOE = U.S. Army Corps of Engineers

ESA =Endangered Species Act

CDFG = California Department of Fish and Game

RWQCB =Regional Water Quality Control Board

BCDC= Bay Conservation and Development

Comm.

Land Use Checklist **OCID Mill Creek Proposal**

All applicants **must** fill out this Land Use Checklist for their proposal. Applications must contain answers to the following questions to be responsive and *to be considered for funding. Failure to answer these questions and include them with the application will result in the application being considered nonresponsive and not considered for funding*

1. Do the actions in the proposal involve physical changes to the land (i.e. grading, planting vegetation, **or** breeching levees) or restrictions in land use (~~i.e.~~ conservation easement **or** placement of land in a wildlife refuge)?

YES

NO X

2. If NO to # 1, explain what type **of** actions are involved in the proposal (~~i.e.~~ research only, planning only).

OCID will acquire water to improve fish passage in lower Mill Creek. The water acquisition action will incorporate monitoring, evaluation and assessment to obtain a long-term solution to the fish passage problem.

3. If YES to # 1, what is the proposed land ~~use~~ change or restriction under the proposal?

4. If YES to # 1, is the land currently under a Williamson Act contract?

 YES

NO

5. If YES ~~to~~ # 1, answer the following:

Current land use

Current zoning

Current general plan designation

6. If YES to #1, is the land classified as Prime Farmland, Farmland of Statewide Importance **or** Unique Farmland on the Department of Conservation ~~Important~~ Farmland Maps?

 YES

~~NO~~

DON'T KNOW

7. If YES ~~to~~ # 1, how many acres **of** land will ~~be~~ subject to physical change **or** land use restrictions under the proposal?

8. If YES to # 1, is the **properly** currently being commercially farmed **or** grazed?

 YES

NO

9. If YES to #8, what are

the number of employees/acre _____
the total number of employees _____

10. Will the applicant acquire ~~any~~ interest in land under the proposal (~~fee~~title **or** a conservation easement)?

~~YES~~_____

NO **X**_____

11. What entity/organization will hold the interest? _____No land will be acquired _____

12. If YES to # 10, answer the following:

Total number of acres to be acquired under proposal _____
Number of acres to be acquired in fee _____
Number of acres to be subject to conservation easement _____

13. For **all** proposals involving physical changes ~~to~~ the land **or** restriction in land use, describe what entity **or** organization will:

manage the property provide _____
operations and maintenance services _____
conduct monitoring _____

14. For land acquisitions (fee title **or** easements), **will** existing water rights also be acquired?

~~YES~~_____

NO **X**_____

15. Does the applicant **propose** any modifications **to** the water right **or** change in the delivery **of** the water?

X
YES_____

NO _____

16. If YES to # 15, describe **OCID** will purchase **Mill** Creek water right entitlements to provide environmental water that will be dedicated to in-stream use in **Mill** Creek ~~for~~ enhancement of salmon mmigration

NONDISCRIMINATION COMPLIANCE STATEMENT

STD. 19 (REV. 3-95) FMC

COMPANY NAME

ORANGE COVE IRRIGATION DISTRICT

The company **named** above (hereinafter referred to as "prospective contractor") hereby certifies, **unless** specifically exempted, compliance with Government Code **Section 12990** (a-f) and California **Code** of Regulations, Title 2, Division **4**, Chapter **5** in **matters** relating to reporting requirements **and the** development, implementation and maintenance **of a Nondiscrimination Program**. Prospective contractor agrees not to unlawfully **discriminate**, harass or **allow** harassment **against any** employee or applicant for employment **because of sex, race, color, ancestry, religious creed, national origin, disability** (including HIV **and AIDS**), medical condition (cancer), **age, marital status, denial of family and medical care leave** and denial of pregnancy **disability** leave.

CERTIFICATION

I, the official named below, hereby swear that I am duly authorized to legally bind the prospective contractor to the above described certification. I am fully aware that this certification, executed on the date and in the county below, is made under penalty of perjury under the laws of the State of California

OFFICIAL'S NAME

James C. Chandler

DATE EXECUTED

May 11, 2000

EXECUTED IN THE COUNTY OF

Fresno

PROSPECTIVE CONTRACTOR'S SIGNATURE

PROSPECTIVE CONTRACTOR'S TITLE

Engineer-Manager

PROSPECTIVE CONTRACTOR'S LEGAL BUSINESS NAME

Orange Cove Irrigation District

**STANDARD CLAUSES -
CONTRACTS WITH PUBLIC ENTITIES**

Workers' Compensation Clause. Contractor affirms that it is aware of the provisions of Section 3700 of the California Labor Code which require every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of that Code, and Contractor affirms that it will comply with such provisions before commencing the performance of the work under this contract.

Nondiscrimination Clause. During the performance of this contract, the recipient, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of religion, color, ethnic group identification, sex, age, physical or mental disability, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religion, color, national origin, ancestry, physical handicap, mental disability, medical condition, marital status, age (over 40), or sex. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor shall comply with the provisions of the Fair Employment and Housing Act (Government Code Section 12900 et seq.), the regulations promulgated thereunder (California Administrative Code, Title 2, Sections 7285.0 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Government Code Sections 11135 - 11139.5), and the regulations or standards adopted by the awarding State agency to implement such article. Contractor or recipient shall permit access by representatives of the Department of Fair Employment and Housing and the awarding State agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Recipient, Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. The Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the contract.

Availability of Funds. Work to be performed under this contract is subject to availability of funds through the State's normal budget process.

Audit Clause. For contracts in excess of \$10,000, the contracting parties shall be subject to the examination and audit of the State Auditor for a period of three years after final payment under the contract. (Government Code Section 8546.7).

Payment Retention Clause. Ten percent of any progress payments that may be provided for under this contract shall be withheld per Public Contract Code Sections 10346 and 10379 pending satisfactory completion of all services under the contract.

Reimbursement Clause. If applicable, travel and per diem expenses to be reimbursed under this contract shall be at the same rates the State provides for unrepresented employees in accordance with the provisions of Title 2, Chapter 3, of the California Code of Regulations. Contractor's designated headquarters for the purpose of computing such expenses shall be: _____

Drug-Free Workplace Certification. By signing this contract, the Contractor or grantee hereby certifies under penalty of perjury under the laws of the State of California that the Contractor or grantee will comply with the requirements of the Drug-Free Workplace Act of 1990 (Government Code Section 8350 et seq.) and will provide a drug-free workplace by taking the following actions:

1. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
2. Establish a Drug-Free Awareness Program to inform employees about all of the following:
 - (a) The dangers of drug abuse in the workplace,
 - (b) The person's or organization's policy of maintaining a drug-free workplace,
 - (c) Any available counseling, rehabilitation and employee assistance programs, and
 - (d) Penalties that may be imposed upon employees for drug abuse violations.
3. Every employee who works on the proposed contract or grant:
 - (a) Will receive a copy of the company's drug-free policy statement, and
 - (b) Will agree to abide by terms of the company's statement as a condition of employment on the contract or grant.

This contract or grant may be subject to suspension of payments or termination, or both, and the Contractor or grantee may be subject to debarment if the department determines that: (1) the Contractor or grantee has made a false certification, or (2) the Contractor or grantee violates the certification by failing to carry out the requirements noted above.

Americans With Disabilities Act. By signing this contract, Contractor assures the State that it complies with the Americans With Disabilities Act (ADA) of 1990, (42 U.S.C. 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.

Former State Employees: a) For the two-year period from the date he or she left State employment, no former State officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any State agency. b) For the twelve-month period from the date he or she left State employment, no former State officer or employee may enter into a contract with any State agency if he or she was employed by that State agency in a policy-making position in the same general subject area as the proposed contract within the twelve-month period prior to his or her leaving State service.

Agreement No. _____

Exhibit _____

ADDITIONAL STANDARD CLAUSES

Recycled Materials. Contractor hereby certifies under penalty of perjury that _____ (enter value or "0" here) percent of the materials, goods and supplies offered or **products used** in the performance of this Agreement meets or exceeds the minimum percentage of recycled material as defined in Sections 12161 and 12200 of the Public Contract Code.

Severability. If any provision of this Agreement is held invalid or unenforceable by any court of final jurisdiction, it is the intent of the parties that all other provisions of this Agreement be construed to remain fully valid, enforceable, and binding on the parties.

Governing **Law**. This Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.

Y2K Language. The Contractor **warrants** and represents that the **goods** or services sold, leased, or licensed to the State of California, its agencies, or its political subdivisions, pursuant to this Agreement are "Year 2000 compliant." For purposes of this Agreement a good or service is Year 2000 compliant if it will continue to fully function before, at, and after the Year 2000 without **interruption** and, if applicable, with full ability **to** accurately and unambiguously process, display, compare, calculate, manipulate, and otherwise utilize date information. This warranty and representation supersedes all warranty disclaimers and limitations and all limitations on liability provided by or through the Contractor.

Child Support Compliance Act For any Agreement in excess of \$100,000, the Contractor acknowledges in accordance therewith, that:

1. The Contractor recognizes the importance of child and family support obligations and shall fully comply with **all** applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with Section 5200) of Part **5** of Division **9** of the Family Code; and
2. The Contractor, to the best of **its** knowledge, is fully **complying** with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

Attachment E

Federal Contracting Forms

If you would like to research the governing circulars or would like copies of them, the OMB website is "<http://www.whitehouse.gov/OMB/circulars/index.html>". The Washington, D.C. publications ordering telephone number, (202) 395-7332. The following circulars may be relevant to your proposal.

- Circular A-21, Revised October 27, 1998, "Cost Principles For Educational Institutions"
- Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- Circular A-87, Revised August 29, 1997, "Cost Principles for State, Local and Indian Tribal Governments"
- Circular A-102, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"
- Circular A-122, Revised May 19, 1998, "Cost Principles for Non-profit Organizations"
- Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"
- All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with Part 31 of the Federal Acquisition Regulations, Subpart 31.2 entitled, "Contracts with Commercial Organizations."

Standard USBR Financial Assistance Agreement Language.

REGULATIONS AND GUIDANCE. The regulations at 43 CFR, Part 12, Subparts A - F are hereby incorporated by reference as though set forth in full text. The following Office of Management and Budget (OMB) Circulars, as applicable, and as implemented by 43 CFR Part 12, are also incorporated by reference and made a part of this agreement: Failure of a recipient to comply with any provision may be the basis for withholding payments for proper charges made by the recipient and for termination of support. Copies of OMB Circulars are available on the Internet at <http://www.whitehouse.gov/OMB/circulars/index.html>. The implementation of the circulars at 43 CFR Part 12 is available at <http://www.access.gpo.gov/nara/fr/index.html>.

- a. Agreements with colleges and universities shall be in accordance with the following circulars:

Circular A-21, Revised October 27, 1998, "Cost Principles For Educational Institutions"

Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"

b. Agreements with State and local governments shall be in accordance with the provisions of the following circulars:

Circular A-87, Revised August 29, 1997, "Cost Principles for State, Local and Indian Tribal Governments"

Circular A-102, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Cooperative Agreements with State and Local Governments"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"

c. Agreements made with non-profit organizations shall be in accordance with the following circulars and provisions:

Circular A-110, Revised August 29, 1997, "Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-profit Organizations"

Circular A-122, Revised May 19, 1998, "Cost Principles for Non-profit Organizations"

Circular A-133, Revised June 24, 1997, "Audits of States, Local Governments, and Non-profit Organizations"

d. All agreements with organizations other than those indicated above shall be in accordance with the basic principles of OMB Circular A-110, and cost principles shall be in accordance with Part 31 of the Federal Acquisition Regulations, Subpart 31.2 entitled, "Contracts with Commercial Organizations."

MODIFICATIONS. Any changes to this Agreement shall be made by means of a written modification. Changes dealing with administrative matters (such as in paying office, changes of address, etc.) may be made by a unilateral modification. A modification issued solely for funding a Federal Fiscal Year may also be made unilaterally. **Any** other changes shall be made by a bilateral modification (signed by both parties). No written statement by any other person than the Grants and Cooperative Agreements Officer, and no oral statement of any person, shall be allowed in any manner or degree to modify or otherwise effect the terms of the Agreement.

ELECTRONIC FUNDS TRANSFER. In accordance with the Debt Collection Improvement Act of 1996, 31 CFR 208, effective January 2, 1999 all Federal payments to recipients must be made by

Electronic Funds Transfer (EFT) unless a waiver has been granted in accordance with 31 CFR 208.4. Upon award of a financial assistance agreement, Reclamation will provide the recipient with further instructions for implementation of EFT payments or a certification form to request exemption from EFT.

ASSURANCES INCORPORATED BY REFERENCE. The provisions of the Assurances executed by the Recipient in connection with this agreement shall apply with full force and effect to this agreement as if fully set forth in these General Provisions. Such Assurances include, but are not limited to, the promise to comply with all applicable Federal statutes and orders relating to nondiscrimination in employment, assistance, and housing; the Hatch Act; Federal wage and hour laws and regulations and work place safety standards; Federal environmental laws and regulations and the Endangered Species Act; and Federal protection of rivers and waterways and historic and archeological preservation.

COVENANT AGAINST CONTINGENT FEES. The recipient warrants that no person or agency has been employed or retained to solicit or secure this agreement upon an agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide offices established and maintained by the recipient for the purpose of securing agreements or business. For breach or violation of this warranty, the Government shall have the right to annul this agreement without liability or, in its discretion, to deduct from the agreement amount, or otherwise recover, the full amount of such commission, percentage, brokerage, or contingent fee.

CONTRACTING WITH SMALL AND MINORITY FIRMS, AND WOMEN'S BUSINESS ENTERPRISES. It is a national policy to award a fair share of contracts to small and minority business firms. The Department of the Interior is strongly committed to the objectives of this policy and encourages all recipients of its grants and cooperative agreements to take affirmative steps to ensure such fairness.

a. The grantee and subgrantee shall take all necessary affirmative steps to assure that minority **firms**, and women's business enterprises are used when possible.

b. Affirmative steps shall include:

(1) Placing qualified small and minority businesses and women's business enterprises on solicitation lists;

(2) Assuring that small and minority businesses, and women's business enterprises are solicited whenever they are potential sources;

(3) Dividing total requirements, when economically feasible, into smaller **tasks** or quantities to permit maximum participation by small and minority business, and women's business enterprises;

(4) Establishing delivery schedules, where the requirement permits, which encourage participation by small and minority business, and women's business enterprises;

(5) Using the services and assistance of the Small Business Administration, and the Minority Business Development Agency of the Department of Commerce as appropriate, and

(6) Requiring the prime contractor, if subcontracts are to be let, to take the affirmative steps listed in b.(1) through (5) above.

NOTICE REGARDING BUY AMERICAN ACT. In accordance with Section 502 of Pub.L. 105-245 (112 STAT. 1855), as implemented by 43 CFR 12.710, please be advised of the following:

It is the sense of the Congress that, to the greatest extent practicable, all equipment and products purchased with funds made available in this Act should be American-made.

RESOLVING DISAGREEMENTS. When entering into a cooperative agreement with a recipient, Reclamation commits itself to working with the recipient in a harmonious manner to achieve the objectives of the project successfully. When disagreements arise between the parties, they must be resolved according to the procedures discussed below:

a. Reclamation shall attempt first to resolve disagreements with the recipient through informal discussion among the Grants or Contract Specialist, the Program Officer, and the recipient's Project Director.

b. If the disagreement cannot be resolved through informal discussion between these parties, the Grants Specialist and the Program Officer shall document the nature of the disagreement and bring it to the attention of the Grants Officer.

c. After reviewing the facts of the disagreement, as presented by the Grants and Program Offices, the Grants Officer will arrange a formal meeting. If agreement still cannot be reached, the parties will collectively decide on any varied approaches which might be used to resolve the disagreement. The parties shall be responsible for their individual expenses related to any approach utilized to resolve the disagreement. If attempts at resolving the disagreement fail, the Regional Director shall make a decision which shall be final and conclusive.

d. Nothing herein shall be construed to delay or limit Reclamation's right to take immediate and appropriate action, as set forth at 43 CFR, Subpart 12.83, in the event of material noncompliance by the recipient, and no attempts at informal resolution shall be necessary.

Any post award issue will be open for resolution in accordance with the above procedures, with the exception of disagreements regarding continuation of the agreement (since either party may terminate the agreement with the specified notice), or other matters specifically addressed by the agreement itself.

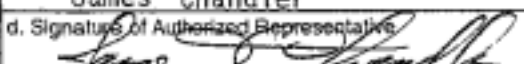
TERMINATION OF THE AGREEMENT . Termination of this agreement, either for cause or convenience, will be in accordance with the termination provisions of the applicable OMB Circular.

LOBBYING RESTRICTIONS. In accordance with Section 501 of Pub.L. 105-245, Energy and Water Development Appropriation Act, FY 1999, as implemented by 43 CFR Part 12, Subpart A, please be advised of the following:

Recipient shall not use any of the funds from the Energy and Water Development Appropriation Act, FY 2000, directly or indirectly, to influence Congressional action on any legislation or appropriation matters pending before Congress, other than to communicate to Members of Congress as described in section 1913 of Title 18, United States Code.

APPLICATION FOR FEDERAL ASSISTANCE

OMB Approval No. 0348-0043

		2. DATE SUBMITTED June 6, 2000	Applicant Identifier
1. TYPE OF SUBMISSION: <input checked="" type="checkbox"/> Preconstruction <input type="checkbox"/> Construction <input type="checkbox"/> Non-Construction	3. DATE RECEIVED BY STATE	State Application Identifier	
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier	
5. APPLICANT INFORMATION			
Legal Name: Oranage Cove Irrigation District		Organizational Unit: Public Entity	
Address (give city, county, State, and zip code): P.O. Box 308 Orange Cove, CA 93646		Name and telephone number of person to be contacted on matters involving this application (give area code): James Chandler (559)626-4461	
6. EMPLOYER IDENTIFICATION NUMBER (EIN): 94-2501594		7. N P E OF APPLICANT: (enter appropriate letter in box) G	
8. TYPE OF APPLICATION: <input checked="" type="checkbox"/> New <input type="checkbox"/> Continuation <input type="checkbox"/> Revision If Revision, enter appropriate letter(s) in box(es) <input type="checkbox"/> <input type="checkbox"/> A. Increase Award B. Decrease Award C. Increase Duration D. Decrease Duration Other (specify): _____		A. State H. Independent School Dist. B. County I. State Controlled Institution of Higher Learning C. Municipal J. Private University D. Township K. Indian Tribe E. Interstate L. Individual F. Intermunicipal M. Profit Organization G. Special District N. Other (Specify) _____	
		9. NAME OF FEDERAL AGENCY: U.S. Fish & Wildlife Service U.S. Bureau of Reclamation	
10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER TITLE: Central Valley Project Improvement Act.		11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT: Mill Creek Anadromous Fish Adaptive Management Enhancement Project.	
12. AREAS AFFECTED BY PROJECT (Cities, Counties, States, etc.): Tehama County, California			
13. PROPOSED PROJECT Mill Creek		14. CONGRESSIONAL DISTRICTS OF: California Congressional Districts 19, 2 & 3.	
Start Date 10/01/00	Ending Date 09/30/03	a. Applicant Orange Cove Irrigation Dist.	b. Project Mill Creek Fishery Enhancement Project
15. ESTIMATED FUNDING:		16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?	
a. Federal	\$ 1,504,210	a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON: DATE 5-12-00 b. No. <input type="checkbox"/> PROGRAM IS NOT COVERED BY E. O. 12372 <input type="checkbox"/> OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW	
b. Applicant	\$		
c. State	\$		
d. Local	\$		
e. Other	\$		
f. Program Income	\$		
g. TOTAL	\$ 1,504,210	17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? <input type="checkbox"/> Yes If "Yes," attach an explanation. <input checked="" type="checkbox"/> No	
18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT, THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.			
a. Type Name of Authorized Representative James Chandler		b. Title Engineer-Manager	c. Telephone Number (559) 626-4461
d. Signature of Authorized Representative 		e. Date Signed 6-5-2000	

INSTRUCTIONS FOR THE SF-424

Public reporting burden for this collection of information is estimated to average 45 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0043), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item	Entry:	Item:	Entry:
1.	Self-explanatory	12.	List <u>only</u> the largest political entities affected (e.g., State, counties, cities).
2.	Date application submitted to Federal agency (or State if applicable) and applicant's control number (if applicable).	13.	Self-explanatory.
3.	State use only (if applicable).	14.	List the applicant's Congressional District and any District(s) affected by the program or project.
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.	15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
5.	Legal name of applicant, name of primary organizational unit which will undertake the assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.	16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.	17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
7.	Enter the appropriate letter in the space provided.	18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative <u>must</u> be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided: -- "New" means a new assistance award. -- "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. -- "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.		
9.	Name of Federal agency from which assistance is being requested with this application.		
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is requested.		
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.		

BUDGET INFORMATION - Non-Construction Programs

OMB Approval No. 0348-0044

SECTION A - BUDGET SUMMARY

Grant Program Function or Activity (a)	Catalog of Federal Domestic Assistance Number (b)	Estimated Unobligated Funds		New or Revised Budget		
		Federal (c)	Non-Federal (d)	Federal (e)	Non-Federal (f)	Total (g)
1. CVPIA		\$	\$	5 1504210	\$	\$ 1504210
2.						
3.						
4.						
5. Totals		\$	\$	\$ 1504210	\$	\$ 1504210

SECTION B - BUDGET CATEGORIES

6. Object Class Categories	GRANT PROGRAM, FUNCTION OR ACTIVITY				Total
	(1)	(2)	(3)	(4)	(5)
a. Personnel	\$ 330163	\$	\$	\$	\$ 330163
b. Fringe Benefits	134598				134598
c. Travel	43000				43000
d. Equipment	130000				130000
e. Supplies	165000				165000
f. Contractual	422400				422400
g. Construction					
h. Other					
i. Total Direct Charges (sum of 6a-6h)	1225161				1225161
j. Indirect Charges	279049				279049
k. TOTALS (sum of 6i and 6j)	\$ 1504210	\$	\$	\$	\$ 1504210

7. Program Income	\$	\$	5	\$	5
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Standard Form 424A (Rev. 7-97)
Prescribed by OMB Circular A-102

SECTION C - NON-FEDERAL RESOURCES				
(a) Grant Program	(b) Applicant	(c) State	(d) Other Sources	(e) TOTALS
8.	\$	\$	\$	\$
9.				
10.				
11.				
12. TOTAL (sum of lines 8-11)	\$	\$	\$	\$

SECTION D - FORECASTED CASH NEEDS					
	Total for 1st Year	1st Quarter	2nd Quarter	3rd Quarter	4th Quarter
13. Federal	\$ 647112	\$ 161778	\$ 161778	\$ 161778	\$ 161778
14. Non-Federal					
15. TOTAL (sum of lines 13 and 14)	\$ 647112	\$ 161778	\$ 161770	\$ 161778	\$ 161778

SECTION E - BUDGET ESTIMATES OF FEDERAL FUNDS NEEDED FOR BALANCE OF THE PROJECT				
(a) Grant Program	FUTURE FUNDING PERIODS (Years)			
	(b) First	(c) Second	(d) Third	(e) Fourth
16. Cental Valley Project Improvement Act	\$ 452391	\$ 404707	\$	\$
17.				
18.				
19.				
20. TOTAL (sum of lines 16-19)	\$ 452391	\$ 404707	\$	\$

SECTION F - OTHER BUDGET INFORMATION	
21. Direct Charges:	22. Indirect Charaes:
	Fixed Rate- 30% Base \$930161 Cost \$279049
23. Remarks:	

INSTRUCTIONS FOR THE SF-424A

Public reporting burden for this collection of information is estimated to average 180 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0044), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D, should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

Section A. Budget Summary Lines 1-4 Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the Catalog program title and the Catalog number in Column (b).

For applications pertaining to a single program *requiring* budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the Catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the Catalog program title on each line in Column (a) and the respective Catalog number on each line in Column (b).

For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g)

For new applications, leave Column (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

For continuing grant program *applications*, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f).

For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Line 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost.

Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program

INSTRUCTIONS FOR THE SF-424A (continued)

narrative statement the nature and source of income. The estimated amount of program income may be considered by the Federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal Resources

Lines **8-11** Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column **(a)** - Enter the program titles identical to Column (a), Section **A**. A breakdown by function or activity is not necessary.

Column **(b)** - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column **(e)** - Enter totals of Columns **(b)**, (c), and **(d)**.

Line **12** - Enter the total for each of Columns **(b)-(e)**. The amount in Column (e) should be equal to the amount on Line 5, Column **(f)**, Section **A**.

Section **D**. Forecasted Cash Needs

Line **73** - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line **14** - Enter the amount of cash from all other sources needed by quarter during the first year.

Line **15** - Enter the totals of amounts on Lines 13 and 14.

Section **E**. Budget Estimates of Federal Funds Needed for Balance of the Project

Lines **16-19** - Enter in Column (a) the same grant program titles shown in Column (a), Section **A**. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns **(b)-(e)**. When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

Section **F**. Other Budget Information

Line **21** - Use this space to explain amounts for individual direct object class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.
2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.
3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.
4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.
5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).
6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.
7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.
8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333) regarding labor standards for federally-assisted construction subagreements.
10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is \$10,000 or more.
11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).
12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.
13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).
14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.
15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.
16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.
17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."
18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL

TITLE

James D. Chandler

Engineer-Manager

APPLICANT ORGANIZATION

DATE SUBMITTED

Orange Cove Irrigation District

6-5-00

U.S. Department of the Interior

Certifications Regarding Debarment, Suspension and
Other Responsibility Matters, Drug-Free Workplace
Requirements and Lobbying

Persons signing this form should refer to the regulations referenced below for complete instructions:

Certification Regarding Debarment, Suspension, and Other Responsibility Matters - Primary Covered Transactions - The prospective primary participant further agrees by submitting this proposal that it will include the clause titled, "Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transaction," provided by the department or agency entering into this covered transaction, without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions. See below for language to be used; use this form for certification and sign; or use Department of the Interior Form 1954 (DI-19541. (See Appendix A of Subpart D of 43 CFR Part 12.)

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions - (See Appendix B of Subpart D of 43 CFR Part 12.)

Certification Regarding Drug-Free Workplace Requirements - Alternate I. (Grantees Other Than Individuals) and Alternate II. (Grantees Who are Individuals) - (See Appendix C of Subpart D of 43 CFR Part 12.)

Signature on this form provides for compliance with certification requirements under 43 CFR Parts 12 and 18. The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of the Interior determines to award the covered transaction, grant, cooperative agreement or loan.

PART A: Certification Regarding Debarment, Suspension, and Other Responsibility Matters -
Primary Covered Transactions

CHECK ☒ IF THIS CERTIFICATION IS FOR A PRIMARY COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective primary participant certifies to the best of its knowledge and belief, that it and its principals:
- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;
 - (b) Have not within a three-year period preceding this proposal been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;
 - (c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State or local) with commission of any of the offenses enumerated in paragraph (1)(b) of this certification; and
 - (d) Have not within a three-year period preceding this application/proposal had one or more public transactions (Federal, State or local) terminated for cause or default.
- (2) Where the prospective primary participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.
-

PART B: Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion -
Lower Tier Covered Transactions

CHECK ☒ IF THIS CERTIFICATION IS FOR A LOWER TIER COVERED TRANSACTION AND IS APPLICABLE.

- (1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.
- (2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

PART C: Certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS NOT AN INDIVIDUAL.

Alternate I. (Grantees Other Than Individuals)

A. The grantee certifies that it will or continue to provide a drug-free workplace by:

- (a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition:
- (b) Establishing an ongoing drug-free awareness program to inform employees about--
 - (1) The dangers of drug abuse in the workplace;
 - (2) The grantee's policy of maintaining a drug-free workplace;
 - (3) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
- (c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);
- (d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will --
 - (1) Abide by the terms of the statement; and
 - (2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
- (e) Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer on whose grant activity the convicted employee was working, unless the Federal agency has designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;
- (f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted --
 - (1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or
 - (2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;
- (g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e) and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address, city, county, state, zip code)

1130 Park Blvd.
Orange Cove, Ca. 93646
County of Fresno, Ca.

Check ☐ if there are workplaces on file that are not identified here.

PART D: certification Regarding Drug-Free Workplace Requirements

CHECK ☐ IF THIS CERTIFICATION IS FOR AN APPLICANT WHO IS AN INDIVIDUAL.

Alternate II. [Grantees Who Are Individuals]

- (a) The grantee certifies that, as a condition of the grant, he or she will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant;
- (b) If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, he or she will report the conviction, in writing, within 10 calendar days of the conviction, to the grant officer or other designee, unless the Federal agency designates a central point for the receipt of such notices. When notice is made to such a central point, it shall include the identification number(s) of each affected grant.

PART E: Certification Regarding Lobbying
Certification **for** Contracts, Grants, Loans, and Cooperative Agreements

CHECK ☒ IF CERTIFICATION IS FOR THE AWARD OF ANY OF THE FOLLOWING AND
THE AMOUNT EXCEEDS \$100,000: A FEDERAL GRANT OR COOPERATIVE AGREEMENT,
SUBCONTRACT, OR SUBGRANT UNDER THE GRANT OR COOPERATIVE AGREEMENT.

CHECK ☐ IF CERTIFICATION IS FOR THE AWARD OF A FEDERAL
LOAN EXCEEDING THE AMOUNT OF \$ 750,000, OR A SUBGRANT OR
SUBCONTRACT EXCEEDING \$100,000, UNDER THE LOAN.

The undersigned certifies, to the best of his or her knowledge and belief, that:

- (1) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of an agency, a Member of Congress, and officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
- (2) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the undersigned shall complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- (3) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify accordingly.

This certification is a material representation of fact upon which reliance was placed when this transaction was made or entered into. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Section 1352, title 31, U.S. Code. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

As the authorized certifying official, I hereby certify that the above specified certifications are true.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL



TYPED NAME AND TITLE James Chandler, Engineer-Manager

DATE 6-05-00

ATTACHMENT F

CONFLICT OF INTEREST RULES For Participants in Proposal Review Process

The Ecosystem Restoration Program grant selection process involves multiple levels of review that result in final funding decisions by the Secretary of the Interior (for federal funds) and the Secretary for Resources (for state funds). Participants in the review process include: the Interim Science Board, individual scientific/technical reviewers, CALFED staff, the Agency/Stakeholder Ecosystem Team (ASET), panels of topical and geographic reviewers, the Ecosystem Roundtable, and the Bay-Delta Advisory Council. The CALFED Policy Group will make a recommendation to the Secretaries. Individuals participating in each step of the review process must comply with Federal and State conflict of interest laws. Applicable statutes include, but are not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411 for State conflict of interest requirements.

The participants in the project review process have been selected based on their scientific and technical expertise, not the agency or organization they work with. To ensure objectivity in the review process, the CALFED Program will impose the following rules in addition to the legal prohibitions on conflicts of interest to protect against perceived bias in the selection process.

Interim Science Board Members: Members of the Interim Science Board, or its successor, may not apply for grant funds in any year in which they serve on the Board for all or part of the year. Members with an institutional connection to a proposal will be required to reveal that institutional connection at the outset of discussions on the proposals.

Agency/Stakeholder Ecosystem Team Members: Members of the Agency/Stakeholder Ecosystem Team may not apply for grant funds in any year in which they serve on the Team for all or part of the year. In addition, members of the Agency/Stakeholder Ecosystem Team may not receive financial benefits under a proposal in any year in which they serve on the Team for all or part of the year. Members with an institutional connection to a proposal will be required to reveal that institutional connection at the outset of discussions on the proposals.

Scientific/Technical Reviewers: Individual scientific and technical reviewers may not review a proposal with which they have an institutional connection. Individual scientific and technical reviewers are expected to review proposals independently and without delegating the review task in whole or in part to any other person.

Topical and Geographic Review Panelists: Topical and geographic panelists with an institutional connection to a proposal will be required to reveal that institutional connection at the outset of discussions on the proposals.

An institutional connection exists between employees and their employers. For example, an employee of a state or federal agency will have an institutional connection with a proposal submitted by that agency, even if the applicant is in a different division of the agency than reviewer. Similarly, a university faculty member will have an institutional connection with a proposal submitted by a co-faculty member or graduate student. If a reviewer has an institutional connection with a proposal they may recuse themselves, or they may be asked to recuse themselves.

Ecosystem Roundtable Members: The Ecosystem Roundtable adopted the following policy to govern the participation of its membership in the CALFED Bay-Delta Program's grant funding for ecosystem restoration activities:

Conflict Policy for Proposal Solicitation Process

Ecosystem Roundtable members and their affiliate organizations may not apply for grant funding through the CALFED Bay-Delta Program's proposal solicitation process for any ecosystem restoration activity that is subject to consideration and recommendation by the Ecosystem Roundtable. Ecosystem Roundtable members and their affiliate organizations may not receive grant funds as a subcontractor, partner, or participant in any proposal submitted by another individual or organization for funding through the CALFED Bay-Delta Program's proposal solicitation process for any ecosystem restoration activity that is subject to consideration and recommendation by the Ecosystem Roundtable.

Ecosystem Roundtable members and their affiliate organizations may participate, collaborate, endorse, share information, or participate in any other way in projects or proposals that will compete for funding in the CALFED Bay-Delta Program's proposal solicitation process, as long as there is no direct financial gain to the member or the affiliate organization if the proposal receives grant funds.

Any proposal for ecosystem restoration activities submitted to the CALFED Bay-Delta Program in violation of this policy will be returned to the applicant without further consideration.

Conflict Policy for CALFED Directed Actions

Organizations represented on the Ecosystem Roundtable may receive grant funds from the CALFED Bay-Delta Program for "Directed Actions" that further the Ecosystem Restoration Program. Any Ecosystem Roundtable member whose affiliate organization may receive grant funds for a "Directed Action" shall recuse himself or herself from participating in the Ecosystem Roundtable's discussion and recommendation on the "Directed Action" in which their organization is involved.